

VERIFIED DECLARATION OF VICTOR HUGO MATA
IN LIEU OF AFFIDAVIT

I, **Victor Hugo Mata**, declare under penalty of perjury pursuant to the laws of the State of New Mexico that the following is true and correct:

1. My name is **Victor Hugo Mata**. I am twenty-nine (29) years old and reside at **155 Comerciantes Boulevard, Apartment 103, Santa Teresa, New Mexico**. I have lived at my current residence for more than thirteen years and currently reside with members of my family. My residence is located within approximately two miles of the proposed Project Jupiter site.
2. I submit this declaration because I believe Project Jupiter will substantially and permanently interfere with my ability to peacefully live in my home and enjoy my community.
3. Santa Teresa has been my home for much of my life. I have built relationships here, my family lives here, and I expected to continue living here for many years. Like many people in our community, I chose to remain here because of the relatively quiet character of the area, the open desert, and the opportunity to enjoy outdoor activities without living next to a massive industrial complex.
4. Project Jupiter would fundamentally change that. It is difficult for me to understand how a project of this magnitude could be built within a few miles

of my home without dramatically changing the place where I have lived for more than a decade.

5. I understand that Project Jupiter proposes to operate continuously, twenty-four hours a day, seven days a week, using thousands of methane-fueled fuel cells and industrial cooling systems while becoming one of the largest industrial developments in New Mexico. The project would include approximately 2,275 fuel cells operating around the clock and produce more than eight million metric tons of carbon dioxide emissions annually.
6. I am particularly concerned about heat. Southern New Mexico already experiences extreme summer temperatures. Scientists have recently documented what they describe as a “data heat island effect,” concluding that AI data campuses can increase surrounding land surface temperatures by approximately two degrees Celsius on average after beginning operations and create localized heat zones affecting nearby communities.
7. I spend time outdoors with my family and friends. I walk, exercise, visit neighbors, and simply enjoy being outside. I fear that additional industrial heat generated by a project of this size will make it harder to sleep and daily outdoor activities less comfortable and, during much of the year, potentially unsafe. I should not have to alter my daily life because one of the world’s

largest industrial AI facilities has been located within a short distance of my home.

8. I am equally concerned about noise. Everything I have learned indicates that hyperscale data centers generate continuous industrial noise from cooling equipment, ventilation systems, fans, generators, and other equipment operating day and night. I understand that neighboring communities elsewhere have complained of a constant humming noise that interferes with sleep, causes stress, reduces productivity, and reduces quality of life. Data center noise will continue twenty-four hours a day because these facilities never shut down.
9. My greatest concern is not a single loud event, but the constant industrial presence. I fear losing the peace and quiet that my family has enjoyed for years. I worry about sleeping with windows open, enjoying evenings outside, or simply being outside without hearing industrial equipment operating around the clock.
10. I also fear that Project Jupiter will become a constant nuisance by substantially interfering with the use and enjoyment of my home. My concerns are not speculative. They are based upon the enormous scale of the proposed project, its continuous operation, its unprecedented energy

demands, and the scientific literature describing the impacts associated with hyperscale AI data centers.

11. Water is another major concern for me. Like many residents of southern New Mexico, I know firsthand that we live in a region suffering from prolonged drought, worsening wildfire conditions, and increasing water scarcity. Earlier this year, Governor Michelle Lujan Grisham declared a statewide drought and wildfire emergency, citing historically low snowpack, severe drought, ongoing wildfires, and the urgent need to conserve New Mexico's limited water supplies. Every wildfire season now brings the fear that smoke will blanket our community for days or weeks, making it dangerous to spend time outdoors and threatening the health of children, older adults, and everyone who breathes the air. Against that reality, I find it deeply troubling that Project Jupiter proposes to consume enormous quantities of water and emit millions of tons of greenhouse gases that contribute to the very climate conditions driving hotter temperatures, prolonged drought, and increasingly destructive wildfires. I worry that there simply will not be enough water to meet both the needs of this massive industrial project and the long-term needs of the people who live in Santa Teresa. My family should not have to compete with one of the world's largest AI industrial complexes for one of New Mexico's most precious and

increasingly scarce resources. Against that backdrop, I struggle to understand how a project requiring enormous quantities of water can be reconciled with the long-term needs of our community. My family depends on reliable water supplies for everyday life. I worry that a project of this magnitude will compete with the needs of residents, businesses, and future generations living in this region.

12. I fear that my community will be forced to bear the environmental burdens of Project Jupiter while receiving relatively little in return. Once this project is built, my family cannot simply move away from the consequences. We will live with the heat, the noise, the traffic, the pollution, and the uncertainty about our water resources every day.
13. I am also concerned about what this project means for my future. At my age, I should be thinking about continuing to build my life in Santa Teresa, not wondering whether one of the largest industrial facilities in the country will permanently diminish the quality of life in the community where I live.
14. I respectfully ask that the Court ensure this project receives the careful judicial review it deserves before construction proceeds. Once Project Jupiter is built, the impacts on nearby residents cannot realistically be undone. I simply want the opportunity for my community to receive a full,

fair, and transparent hearing before we are required to live with the consequences of this unprecedented development.

I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct.

Executed this Sixteenth day of August, 2026.

/s/ Victor Hugo Mata
Victor Hugo Mata

**VERIFIED DECLARATION OF
SENATOR ELIZABETH (“LIZ”) STEFANICS**

IN LIEU OF AFFIDAVIT

I, Elizabeth (“Liz”) Stefanics, declare under penalty of perjury pursuant to the laws of the State of New Mexico that the following is true and correct:

1. My name is Liz Stefanics. I am the duly elected State Senator representing Senate District 39, serving portions of Santa Fe, San Miguel, Torrance, and Valencia Counties. I previously served in the New Mexico Senate from 1993 through 1996 and have continuously served since 2017.
2. I currently serve as Chair of the Senate Conservation Committee and as a member of the Senate Rules Committee and the Senate Committees’ Committee. In those capacities, I regularly consider legislation and public policy affecting New Mexico’s natural resources, environmental protection, water policy, governmental transparency, and the integrity of the legislative process.
3. I submit this declaration in support of Petitioners’ request for extraordinary relief because this proceeding presents issues of exceptional statewide importance concerning constitutional due process, governmental transparency, responsible stewardship of New Mexico’s natural resources, and the integrity of administrative decision-making.
4. Although Project Jupiter is proposed for Doña Ana County, its consequences extend far beyond one community. The project would establish what has been described as a \$165 billion hyperscale artificial intelligence data center campus, making it among the largest industrial developments ever proposed in the United States. The decisions made in this proceeding will establish precedent for future hyperscale data center development throughout New Mexico.
5. As a legislator, I have long believed that major infrastructure projects require greater—not lesser—public scrutiny. When government considers approving a project of unprecedented size, environmental impact, and resource consumption, citizens should receive the fullest protections afforded by law. Confidence in government depends upon transparency, fairness, and meaningful public participation.
6. Based upon publicly available information, Project Jupiter proposes an industrial complex requiring approximately 2.5 gigawatts of generating

capacity, fueled by approximately 400 million cubic feet of natural gas every day through the proposed Green Chile Pipeline (though that is in question based on the Commissioner of State Lands rejection of the gas pipeline). Public reports indicate that this amount represents roughly 0.4 percent of all Lower-48 natural gas production,¹ illustrating the extraordinary scale of the proposal.

7. I am particularly concerned that the project's entire fuel supply has become uncertain. Public reports indicate that Energy Transfer's subsidiary, Transwestern Pipeline, delayed completion of the proposed Green Chile Pipeline from August 2026 until February 2027, acknowledging that the pipeline would not be available as originally represented. Those same reports further state that the New Mexico Commissioner of Public Lands has repeatedly declined to approve the pipeline's route across State Trust Lands. The Commissioner is an independently elected constitutional officer charged with protecting State Trust Lands, and those decisions deserve substantial respect. Without the pipeline, significant questions exist regarding how the project proposes to obtain the natural gas that its own permit application identifies as essential to its operation.
8. Public reporting further indicates that Oracle itself informed federal regulators that "time is of the essence" and that delays to the Green Chile Pipeline could jeopardize Project Jupiter itself.² Those public admissions underscore the central importance of the pipeline to the proposed facility and demonstrate why the issue warrants careful examination before any permit is granted.
9. Emerging scientific research further demonstrates that hyperscale data centers present environmental impacts extending well beyond traditional air emissions. A recent international study concluded that AI data centers measurably increase surrounding land-surface temperatures, creating localized "data heat islands" averaging approximately 2°C, with researchers

¹ "Oracle's \$165 Billion Data Center Plan Hits a Gas Pipeline Delay," Julianne Geiger - Aug 14, 2026, <https://oilprice.com/Latest-Energy-News/World-News/Oracles-165-Billion-Data-Center-Plan-Hits-a-Gas-Pipeline-Delay.html>.

² "Pipeline for \$165 Billion Oracle Data center delayed to Next Year," Alina Maria Stan, thenextweb.com, Aug 14, 2026, <https://pepipe.org/pipeline-for-164-billion-oracle-data-center-delayed/>

estimating that hundreds of millions of people worldwide could ultimately be affected if these developments continue to expand.³

10. Likewise, recent peer-reviewed field research conducted in Arizona documented measurable neighborhood warming from operating data centers, finding downwind temperature increases of as much as 2.2°C extending hundreds of meters from facilities. The authors conclude that data center waste heat constitutes a previously undocumented urban thermal hazard requiring consideration by planners and regulators.⁴
11. I am also concerned by the growing body of scientific and public-health literature documenting the impacts of hyperscale data centers on surrounding communities. Recent publications identify significant concerns involving continuous industrial noise, air pollution, water consumption, localized heating, and public health, while emphasizing that empirical research has not kept pace with the rapid expansion of artificial intelligence infrastructure. Researchers have called for greater transparency, pollution reporting, and careful siting decisions before these facilities are approved.
12. Noise impacts likewise deserve careful consideration. Recent national reporting documents that residents living near large data centers have reported persistent low-frequency noise and vibration affecting sleep, health, and enjoyment of their homes, while other research describes continuous humming from cooling systems, diesel generators, and industrial fans that may extend for hundreds of feet from facilities.⁵ These concerns demonstrate

³ “The data heat island effect: quantifying the impact of AI data centers in a warming world.” Marinoni, Andrea, et al., March 2026, Research Gate, (PDF) The data heat island effect: quantifying the impact of AI data centers in a warming world.

⁴ “Data Center Waste Heat as an Emerging Urban Thermal Hazard: First Field Measurements of Neighborhood-Scale Air Temperature Impacts.” David J. Sailor et al., *Journal of Engineering for Sustainable Buildings and Cities*. May 2026, 7(2): 024501.

⁵ The Cloud Has Sound: The Unrelenting and Unseen Cost of A.I. Data Centers, *NY Times*, June 17, 2026. <https://www.nytimes.com/2026/06/17/us/data-centers-noise-pollution.html>

why careful environmental review—not expedited approval—is essential before authorizing projects of this magnitude.⁶

13. What concerns me equally is the manner in which this administrative proceeding has been conducted. Based upon my review of the procedural history, the Hearing Officer initially recognized that this is a “highly technical” case requiring discovery, only later reversing course and denying discovery altogether while simultaneously accelerating the hearing schedule. As a legislator, I find it difficult to reconcile the acknowledged technical complexity of this proceeding with a process that deprives parties of the opportunity to obtain the very information necessary for experts to evaluate the application.
14. Due process is not satisfied merely by allowing citizens to appear at a hearing. It requires a meaningful opportunity to obtain information, prepare expert testimony, test evidence through cross-examination, and present informed positions before governmental decisions are made. Those procedural protections become more—not less—important when the project before the agency is unprecedented in scale and consequence.
15. I am also concerned by the broader implications of this case for New Mexico’s future. Artificial intelligence infrastructure is expanding rapidly throughout the nation. The procedures established here may become the model for future data center approvals. If constitutional safeguards are diminished in the largest industrial permitting proceeding our State has ever faced, similar procedural shortcuts may become normalized in future cases.
16. I am asking that this Court ensure that whatever decision is ultimately made results from a process that is open, transparent, scientifically rigorous, fundamentally fair, and faithful to the Constitution and laws of New Mexico.
17. Public confidence in government depends not only upon the correctness of governmental decisions but also upon the fairness of the process by which those decisions are reached. Particularly where the project at issue may reshape New Mexico’s environmental, economic, and energy future for generations, adherence to due process and the rule of law is itself a matter of extraordinary public importance.

⁶ “How noise pollution quietly affects your health.” Biddle, Jennifer. Center for Occupational and Environmental Health. 2 Jun 2025.

I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct.

Executed this 18th day of August, 2026.

/s/ Elizabeth Stefanics

Elizabeth (“Liz”) Stefanics

New Mexico State Senator, District 39

**VERIFIED DECLARATION OF SENATOR CARRIE HAMBLÉN
IN LIEU OF AFFIDAVIT**

I, **Carrie Hamblén**, declare under penalty of perjury pursuant to the laws of the State of New Mexico that the following is true and correct:

1. My name is **Carrie Hamblén**. I am the elected State Senator for Senate District 38 in Doña Ana County. I have served in the New Mexico Senate since 2021. I currently serve as **Chair of the Senate Tax, Business and Transportation Committee** and as a **Member of the Senate Conservation Committee**. I am also the President and Chief Executive Officer of the Las Cruces Green Chamber of Commerce, where I work with businesses committed to sustainable economic development, responsible stewardship of natural resources, and long-term economic prosperity for southern New Mexico.

2. I submit this declaration in support of Petitioners' request for extraordinary relief because, in my opinion, this air quality permit proceeding raises fundamental concerns regarding the integrity of administrative decision-making, procedural fairness, and the rule of law.

3. As Chair of the Senate Tax, Business and Transportation Committee, I strongly support economic development that creates lasting prosperity for New Mexico. But responsible economic development requires more than large investment announcements or impressive dollar figures. It requires transparency, accountability, sound science, adequate infrastructure, protection of natural resources, and meaningful public participation. Sustainable economic development must be measured not simply by the amount of capital invested, but by whether a project creates lasting public value without imposing disproportionate costs on surrounding communities, taxpayers, or future generations. And, it should be driven by the people who live in the region.

4. Those principles are especially important here because Project Jupiter is unlike any industrial development previously proposed in New Mexico. Publicly available information describes an approximately 1,400-acre development that may become the largest artificial-intelligence data-center campus in the United States. It would require extraordinary quantities of electricity, natural gas, and water while producing greenhouse-gas emissions on a scale unprecedented for a single industrial project in New Mexico. A project of this magnitude demands a correspondingly rigorous, transparent, and scientifically credible governmental review.

5. Instead, I have been deeply troubled by the unusual secrecy and disturbing conduct surrounding Project Jupiter. Much of the project has proceeded through nondisclosure agreements, newly created and frequently changed limited-liability companies, closed-door discussions, and limited public access to critical information. Serious questions have also been raised concerning purported public comments submitted in the names of public officials who reportedly did not authorize them. At the same time, important questions concerning water consumption, electrical demand, employment commitments, environmental impacts, and public subsidies remain unresolved. Allegations of impersonated public comments, combined with secrecy and an extraordinarily expedited permitting process, undermine rather than inspire public confidence. A project of this magnitude requires more transparency and scrutiny—not less.

6. I am also concerned by the apparent imbalance between the risks borne by the public and the benefits promised by the private developers. Public reporting indicates that taxpayers may be asked to provide substantial financial incentives, infrastructure improvements, and governmental support while important aspects of the project remain undisclosed. As Chair of the Senate Tax, Business and Transportation Committee, I believe the public deserves to know what it is being asked to contribute, what enforceable benefits New Mexico will receive in return, and what protections exist if those promised benefits do not materialize.

7. There are also significant unresolved questions about Bloom Energy's proposed solid oxide fuel-cell technology. Publicly available information indicates that Bloom has never deployed this technology at anything approaching the scale proposed for Project Jupiter, yet the permit application extrapolates emissions estimates from testing of a single small fuel cell to a proposed facility containing approximately 2,275 fuel-cell stacks. Whether those assumptions remain scientifically and operationally reliable when multiplied to an unprecedented scale is precisely the kind of question that requires meaningful expert scrutiny and factual development before governmental approval is granted.

8. As a member of the Senate Conservation Committee, I am equally concerned about Project Jupiter's demand for water. I am particularly troubled by reports that the Office of the State Engineer has characterized the project's requested groundwater appropriation as an "emergency" warranting expedited treatment. To my knowledge, there is no historical precedent for using emergency water-permitting authority to facilitate construction of a private hyperscale artificial-intelligence data center seeking to withdraw millions of gallons of groundwater. Farmers, ranchers, municipalities, and other New Mexicans whose

livelihoods depend upon water are expected to comply with established permitting procedures, priority administration, public notice, and opportunities for protest. If a private commercial development is receiving extraordinary treatment unavailable to ordinary New Mexicans, that circumstance warrants searching public scrutiny. Furthermore, much of the land north of the Project Jupiter site IS farmland, heavily dependent on the water table. These farms have been here for generations and have had no voice in this discussion.

9. The project's economic promises deserve the same scrutiny. Public statements describe thousands of construction jobs and hundreds of permanent positions, but important questions remain concerning how many jobs will actually go to New Mexico workers, what enforceable hiring commitments exist, whether taxpayers are protected by meaningful clawback provisions, and whether the project's long-term economic benefits justify its extraordinary demands upon New Mexico's water, energy infrastructure, environment, and public resources. These are legitimate public-policy questions that should be answered before—not after—governmental approvals are granted.

10. Against this backdrop, I am deeply concerned by the compressed and repeatedly altered administrative process governing Project Jupiter's air permit. The Hearing Officer initially recognized the technical nature of this proceeding and authorized discovery, only later to withdraw that authorization while maintaining an accelerated hearing schedule. Requiring experts to evaluate an unprecedented industrial project without meaningful discovery undermines confidence that the proceeding is designed to fully develop and test the relevant facts.

11. These circumstances also explain why prompt judicial review is necessary. Due process loses much of its meaning if the only remedy comes years after the challenged proceeding has concluded and the project has been substantially constructed. The constitutional right at stake is the right to participate meaningfully before the government makes a decision with potentially irreversible consequences. An ordinary appeal cannot recreate an opportunity to conduct discovery, prepare informed expert testimony, or meaningfully participate in a hearing after those opportunities have already been denied.

12. I support Petitioners' right to a fair process before the New Mexico Environment Department—one that complies with constitutional due process, applicable law, and the Department's own procedural rules. This is not about

prejudging whether Project Jupiter should ultimately receive an air permit. It is about ensuring that a decision of extraordinary consequence to southern New Mexico is reached through a process worthy of public confidence.

13. In *State ex rel. Egolf v. New Mexico Public Regulation Commission*, our Supreme Court reaffirmed that administrative agencies possess only those powers granted by law and have a mandatory, nondiscretionary duty to exercise those powers in the manner prescribed by the Legislature. The Court recognized the important constitutional function of mandamus in preserving the separation of powers and ensuring that administrative agencies faithfully perform the legal duties imposed upon them. Those principles are particularly important when ordinary review would come too late to prevent the asserted constitutional injury.

14. Whatever the ultimate disposition of Project Jupiter, New Mexicans should be able to trust the process by which that decision is made. Requiring an administrative agency to follow constitutional due process, applicable law, and its own procedural rules does not obstruct legitimate economic development; it gives governmental decision-making its legitimacy. For a project of this unprecedented magnitude, the process must be open, transparent, scientifically rigorous, fundamentally fair, and faithful to the rule of law.

Executed this 18th day of August, 2026.

/s/ Carrie Hamblen

Carrie Hamblen

State Senator for Senate District 38 in Doña Ana County

**VERIFIED DECLARATION OF
REPRESENTATIVE MICAELA LARA CADENA
IN LIEU OF AFFIDAVIT**

I, **Micaela Lara Cadena**, being first duly sworn upon my oath, declare under penalty of perjury pursuant to the laws of the State of New Mexico that the following is true and correct:

1. I am the elected State Representative for House District 33 in Doña Ana County. I have served in the New Mexico House of Representatives since 2019. I currently serve as Vice Chair of the House Taxation and Revenue Committee and as a member of the House Agriculture, Acequias and Water Resources Committee.
2. I submit this declaration because I believe this proceeding presents issues of exceptional public importance affecting the people I represent and the integrity of New Mexico's administrative process.
3. As a legislator representing communities in Doña Ana County, I have listened carefully to constituents, technical experts, water advocates and environmental organizations, educational leaders, labor representatives, and local governments regarding the opportunities and risks presented by hyperscale artificial intelligence data centers, particularly Project Jupiter. Through these conversations, I've come to understand that projects of this

unprecedented scale require extraordinary transparency, rigorous scientific review, and meaningful public participation before governmental approvals are granted.

4. The scale of Project Jupiter necessarily raises questions that extend well beyond traditional air permitting and implicate statewide concerns regarding emissions, water security, climate resilience, energy infrastructure, land use and the health and well-being of our people.
5. Of particular concern is the potential concentration of unintended consequences of such “economic development” in communities that have historically borne a disproportionate share of industrial and environmental harms. Environmental justice requires more than locating projects where land is available and cheap or where industry has been allowed to run their own power without oversight or regulation. It requires meaningful public participation, careful evaluation of cumulative impacts, and confidence that affected communities have been genuinely heard and considered before decisions are made.
6. People who call our fronteriza communities home already carry cumulative burdens from industrial development along the border. We already know that emissions at the levels proposed with YGI “microgrid” means more little ones coming home with respiratory illnesses, elders who struggle to

breathe during periods of poor air quality, and heartbreaking stories of pregnancy complications and miscarriages that families struggle to understand or explain. Whether every concern can ultimately be attributed to a particular emissions source is precisely why rigorous environmental review and transparent permitting are so essential. What is beyond dispute is that emissions at this scale have tangible human consequences. Behind every ton of pollution are real people, real families, and real communities who will be impacted by these decisions.

7. Project Jupiter proposes one of the largest industrial emissions sources ever contemplated in New Mexico. Will New Mexico's government protect its people—or continue turning vulnerable communities into sacrifice zones for the benefit of some of the wealthiest corporations in the world? The people of Santa Teresa and Sunland Park deserve the meaningful governmental protection afforded to more affluent communities in New Mexico. The state cannot again ask some to take on harm in our bodies and families for the benefit of others. Before authorizing pollution on this unprecedented scale, government must confront a simple but profound question: How much harm is too much, and who is expected to bear it?
8. This is precisely why I support continued legislative examination of hyperscale data centers and the concept of a temporary statewide

moratorium while New Mexico develops a comprehensive regulatory framework to protect residents. Projects of this magnitude should not proceed ahead of the laws needed to govern them. Good public policy requires that government first understand the risks before authorizing developments with consequences that may last for generations. Prevention is the highest form of public service. Preventing harm is not anti-business; it is good governance. It is fiscally responsible, scientifically sound, and morally necessary.

9. Equally important is the fairness of the administrative process itself. Regardless of whether one supports or opposes Project Jupiter, every participant is entitled to a process that is transparent, orderly, and fundamentally fair. Based upon my review of the procedural history, I am concerned that the accelerated hearing schedule, the withdrawal of previously authorized discovery, and the inability of intervenors to obtain critical technical information before expert testimony is due undermine public confidence in the fairness of this proceeding.
10. The legitimacy of governmental decisions depends not only upon their outcome but upon the integrity of the process by which they are reached. Particularly where a project presents significant questions concerning engineering, environmental impacts, water consumption, climate effects,

industrial noise, and long-term community consequences, the public must have confidence that decisions are based upon a complete factual record developed through meaningful public participation rather than procedural or political expediency.

11. It is therefore my opinion that Petitioners' request for a temporary stay serves the public interest. A brief delay to ensure that constitutional due process is fully respected is far less harmful than allowing one of the largest industrial permitting proceedings in New Mexico history to proceed under procedures that may later be determined to have denied affected communities a meaningful opportunity to participate.

I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing is true and correct to the best of my belief.

Executed this 18th day of August, 2026.

/s/ Micaela Lara Cadena

Micaela Lara Cadena

State Representative, House District 33

Group Exhibit A

SOUTHERN NEW MEXICO

Hundreds pack senators' Project Jupiter town hall

Lawmakers endorse data center moratorium, accountability for Santa Teresa project



State Sen. Carrie Hamblen, D-Las Cruces, moderates a town hall about Project Jupiter at New Mexico State University on Tuesday.
Algernon D'Amassa/journal



Algernon D'Amassa

JOURNAL STAFF WRITER

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CRUCES --- Over 400 people packed a meeting room and spilled into a hallway on the New Mexico State University campus Tuesday night for a town hall organized by four

Democratic lawmakers from Las Cruces.

The session was devoted to the massive artificial intelligence data center known as Project Jupiter, currently under construction in Santa Teresa. The lawmakers hosted the session after promises for a town hall on the subject by Dona Ana County leadership ~~were unfulfilled~~. County Commission Chairman Maruy Sanchez attended the meeting but did not speak.

State Sens. Joseph Cervantes, Bill Soules and Jeff Steinborn were flanked onstage by empty chairs. At the podium, Sen. Carrie Hamblen — serving as moderator — said the senators had invited the Office of the State Engineer, Interstate Stream Commission and the state Economic Development, Environment and Health departments to send representatives, but none had done so.

"We understand the frustration and the anger and the disappointment and the fear that this has caused our community," Hamblen said. "We understand that the trust has been destroyed, and that you have felt betrayed by the process that is supposed to be public discourse."

The campus for Oracle Corp. and OpenAI to house data centers and an office complex began construction in September.

"Project Jupiter is committed to growing responsibly in New Mexico, creating lasting economic opportunity, investing in the community, respecting the region's natural resources, and working constructively with state and local leaders and residents," a spokesperson for Oracle said Wednesday.

"We want Project Jupiter to deliver lasting benefits for New Mexico while respecting the resources and communities that make this state special," the spokesperson said. "We will continue listening, engaging with the community, and looking for ways to develop responsibly as the project moves forward."

The 36 people who spoke at the meeting, most identifying themselves as county residents, were nearly all opposed to the data center, citing concerns about negative effects on groundwater and air quality, suspicions about political leadership from the county to Santa Fe and the AI industry as a whole. Several called on the senators to take action to halt the project and a few called for a probe into local government approvals by the Office of the State Auditor.



State Sen. Jeff Steinborn, D-Las Cruces, speaks to a resident after a town hall focused on data centers and Project Jupiter in particular, at New Mexico State University Tuesday night.

Aigernon D'Amnassa/Journal

Some residents spoke of ancestors who had been sickened by the former ASARCO smelting site in neighboring El Paso, Texas, angry at the prospect of a new project that would emit 10 million tons of carbon dioxide yearly, according to permit application notices for the project.

Several residents argued that infrastructure and services for the Sunland Park and Santa Teresa areas were neglected while capital and political support flowed to industry.

No one spoke in defense of the project, though a few asked the senators to consider what regulations or guardrails could make the data center more acceptable.

Adam Amador, a local educator, challenged the senators to present a positive alternative. "If it's not Project Jupiter," he said, "what are you four doing to bring jobs in to the good, poor people of the great state of New Mexico?"

Oracle has projected over \$4.7 billion in economic impact as well as \$80 million in state and county revenue. The company has pledged to employ more than 7,000 for construction and 1,500 permanent jobs. Oracle said 700 New Mexico residents are currently employed at the work site, but as of Wednesday the county had not posted ~~employment data the developers were required to submit on July 9~~.

Cervantes suggested that data center development would come at the expense of agriculture if rights to dwindling water resources were allocated to building data centers and filling their cooling systems.

"We have people here from Sunland Park that are struggling hard with everything that you need to have: water, roads, everything else like that," Cervantes said. "This is a predatory project, taking advantage of people like us that are least able to fight it. ... In Albuquerque or Santa Fe, nothing like this could happen. They've chosen this for purposeful reasons and it's all about money."

The senators alleged that lobbyists for the project had misled lawmakers and that Gov. Michelle Lujan Grisham was smoothing the way for the project to proceed.



A spokesperson for the Governor's Office said Wednesday that Lujan Grisham "does not interfere in state agencies' regulatory decisions" and "takes seriously the concerns Doña Ana County residents have raised about Project Jupiter ... and expects any data center operating in New Mexico to meet the state's rigorous environmental standards and use water responsibly."

Lujan Grisham met with Oracle representatives in July for what the office described as a "general update," but said she "made no effort to influence the outcome of Project Jupiter's air permit application."

While no state agencies participated in Tuesday's listening session, the Governor's Office said the Environment Department's public hearing over Yucca Growth Infrastructure's requested air quality permit for Project Jupiter "will include robust public engagement, both in person and virtually, in Sunland Park." The hearing opens Sept. 14.

Steinborn vowed to amend New Mexico's regulations on microgrid power facilities to require renewable energy sources, prevent utilities from purchasing power from microgrids and passing on the cost to ratepayers, and give the Public Regulation Commission oversight authority.

He also promised to investigate how the Office of the State Engineer managed water rights obtained for use in building the data center and to support renewed efforts to pass lobbying reforms that the governor has vetoed previously.



State Sen. Bill Soules, D-Las Cruces, speaks on the New Mexico State University campus during a town hall focusing on Project Jupiter on Tuesday night. — Algernon

D'Ammassa/Journal

"We need to make sure that there are appropriate bonds in place, that if (Project Jupiter) goes belly up ... there is some money that has been put aside to remediate any of the problems," Soules said. "Too often, people walk away, declare bankruptcy, and then it's all on the public."

Hamblen said she would carry a [data center moratorium bill](#) in the Senate, mirroring a proposal by state House members, during the 2027 legislative session, when a new governor — presumably either Democrat Deb Haaland or Republican Gregg Hull — will be in office.

Algernon D'Ammassa is the Journal's southern New Mexico correspondent. He can be reached at adammassa@abcjournal.com.

Featured Local





DONATE





Las Cruces residents line up to ask state senators questions about Project Jupiter at a Tuesday public forum, Julia Gentin/The New Mexican

'All about money': Las Cruces senators push back on Project Jupiter at crowded forum

By Julia Gentin

August 13, 2026

LAS CRUCES — Over 300 people packed into a meeting room Tuesday to voice concerns to their state senators about the potential impacts of a massive data center planned for Santa Teresa.

The listening session, co-hosted by Las Cruces Democratic Sens. Joseph Cervantes, Carrie Hamblen, Jeff Steinborn and Bill Soules, took place in the wake of debates over transparency on the part of Doña Ana County commissioners over Project Jupiter and the same day plans for a data center moratorium that could be coming in 2027 were discussed at a state legislative hearing.

“We understand the frustration and the anger and the disappointment and the fear that this has caused our community,” said Hamblen, who has **promised to sponsor** a data center moratorium. “We understand that trust has been destroyed and that you have felt betrayed by the process that is supposed to involve public discourse.”

Members of the public raised questions about finances behind the project, jobs, water use and its **pending air quality permit**. Following two hours of public comment — virtually all vehemently against Project Jupiter — senators presented steps they plan to take in response. Those included a statewide data center moratorium, urging full lobbying disclosure and passing a bill Steinborn **unsuccessfully sponsored** during this year’s session to tighten regulations on microgrids.

Hamblen noted law enforcement and security was present at New Mexico State University's Corbett Center, where the meeting was held, but "we are not going to do what we have seen before," she said.

Hamblen was referencing a rowdy County Commission meeting on Project Jupiter two weeks ago that saw three opponents to the massive data center arrested. Some speakers repeated calls for Doña Ana County Commission Chair Manny Sanchez to resign in response.

Local artist Bob Diven asked why county commissioners and state agencies are "very much in support of this, in spite of the growing public opposition."

Cervantes posed a simple answer.

"This is all about money," he said. "This is a predatory project, taking advantage of people like us that are the least able to fight it. ... If this had been proposed in Santa Fe, there would be a new county commission and an entirely new county staff."

Others pressed senators on what they'd offer as an alternative.

"If it's not Project Jupiter, if it's about economic development, what are you four doing to bring jobs in to the good poor people of the great state of New Mexico?" asked Adam Amador of Las Cruces.

"There is no guarantee that this is any of the jobs you're hearing at Project Jupiter are going to go to New Mexicans," Hamblen replied. "We do need to be creating more economic opportunities here. I do feel it also needs to be driven by the people in the communities."

Air and water

Some attendees expressed concern about data centers driving up utility costs. According to Steinborn, Meta's data center in El Paso wants to spike El Paso Electric's rates by 50%, affecting Las Cruces residents in the company's coverage area.

"This is why we need state legislation to protect us from similar hikes," Steinborn said.

Steinborn pointed to his Microgrid Oversight Act as a solution, which passed the Senate this year but never got a hearing in the House. The bill, he said, would require microgrids to meet the same renewable energy standards as utilities and require transparency on their water use. It would also give the Public Regulation Commission oversight over microgrids and stop utilities from passing the cost of their power onto ratepayers.

Daisy Maldonado, a community organizer and County Commission candidate, raised concerns about Project Jupiter's water use. An emergency well drilled for the project went through 74 million gallons of water in 2½ months from April to the end of June, she said, citing figures from the Office of the State Engineer.

"What are you all going to do to ensure that the Office of the State Engineer is not only monitoring the amount of water [but] regulating it, so that we are not going to give away ... the water in that aquifer that is intended for people, for agriculture, for animals, for the environment?" Maldonado asked.

"We clearly need tougher restrictions on what the Office of State Engineer is allowed to do with water rights," Steinborn said.

Another environmental issue that has become the project's most immediate hurdle is its air quality permit.

"How are all of you going to continue to help us to build the political will to stop this project? Because we have a governor who claims to be a climate leader, and yet she is rolling out the red carpet to allow this highly polluting project to come into our state and into our communities," said Gail Evans with the Center for Biological Diversity.

In late July, a hearing on Project Jupiter's air quality permit scheduled for Oct. 19 was moved up to Sept. 14, two days after officials with Oracle, one of the companies behind the project, met with Gov. Michelle Lujan Grisham. In an email responding to a question about this, the governor's spokesperson Leah March wrote Lujan Grisham "takes seriously the concerns Doña Ana County residents have raised about Project Jupiter — including on air quality and groundwater use — and expects any data center operating in New Mexico to meet the state's rigorous environmental standards and use water responsibly."

“As with any major economic development project, the governor routinely takes meetings with companies like Oracle to stay informed, as she did in July for a general update,” March wrote. “The governor does not interfere in state agencies’ regulatory decisions and has made no effort to influence the outcome of Project Jupiter’s air permit application. Instead, it is her responsibility to ensure that state agencies meet their statutory obligations for a fair, transparent and independent process.”

Senators also called for more transparency around the lobbying, noting the statewide ad campaign undertaken by backers of Project Jupiter. The State Ethics Commission recently reached a settlement agreement with Elevate New Mexico, the secretive limited liability company behind the campaign, requiring it to disclose its spending.

“How many of you received a little door hanger about how Project Jupiter is great? How many of you have seen folks outside of our local grocery stores?” Hamblen asked.

Most of the audience raised their hands.

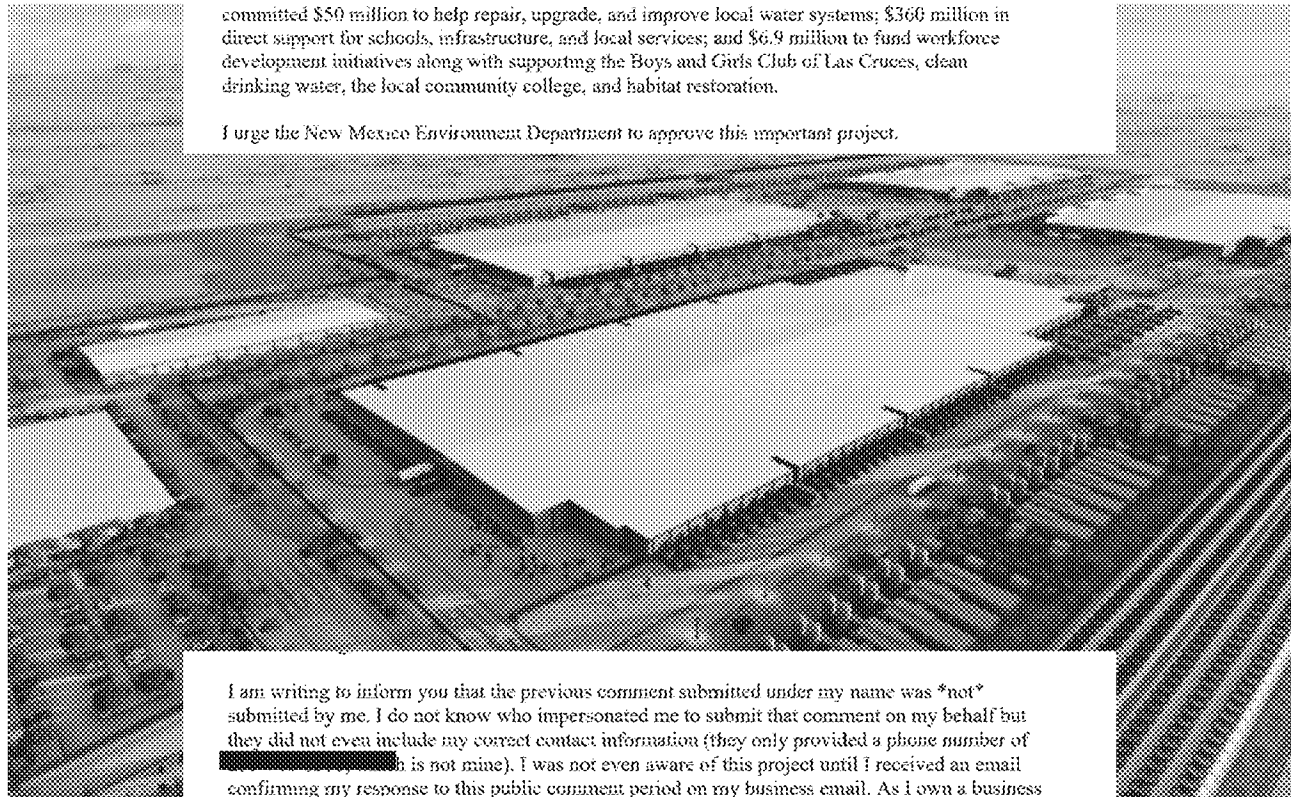
“Our lobbying is kept opaque,” Steinborn said. “So we need to demand full transparency.”

Source NM

THE RUNOFF

New Mexico environment department updates public comment portal following fraud reports

BY SOURCE NM STAFF - AUGUST 7, 2026 9:36 AM



📷 A rendering of Project Jupiter with public comments alleging that canvassers falsely signed a resident's name to a pro-Project Jupiter letter without his knowledge or consent. (Courtesy of STACK Infrastructure)

The New Mexico Environment Department on Friday announced a change to its public comment portal, following reports of fraudulent submissions in support of a controversial data center's air quality permits.

Source New Mexico reported in June that residents from three New Mexico cities said their names falsely appeared on letters urging state environment officials to approve air quality permits for the Project Jupiter data center after they were approached by canvassers for the project.

An environment department news release on Friday said the department thus far had been notified that approximately 42 of the more than 17,500 comments submitted through the Department's

public comment portal on the air quality permit application for project developer Yucca Growth Infrastructure may have been fraudulent, including ones submitted for public officials.

New Mexico Attorney General Raúl Torrez in July opened an investigation the allegations of fraudulent submissions. In its news release Friday, NMED said it had shared information from the public comment portal with NMDOJ for its investigation and, depending on the outcome, “may pursue appropriate civil or criminal action against those responsible.”

Under the new protocol, people submitting public comments with an email address will receive an automated confirmation email that will give them the opportunity to confirm their comments or notify the Department if they did not submit or authorize them.

“The new process will allow individuals to quickly identify and report potentially fraudulent comments while preserving a simple and accessible process for legitimate public participation,” the news release stated.

https://www.santafenewmexican.com/news/local_news/demonstrators-arrested-jobs-promised-at-rowdy-project-jupiter-meeting/article_1103bfd-1b21-4f98-b868-c7cb4ab5e795.html

Demonstrators arrested, jobs promised at rowdy Project Jupiter meeting

★ Follow Julia Gentin

By Julia Gentin jgentin@sfnwmexican.com
Jul 28, 2026





Protesters against Project Jupiter stand outside the Doña Ana County Board of Commissioners meeting July 28. At the meeting, leadership from Oracle and STACK Infrastructure addressed commissioners for the first time following a heated public input session that resulted in three arrests.

Julia Gentin/The New Mexican

Takeaways

 Gift this article

A public input segment of a Doña Ana County Board of Commissioners meeting regarding Project Jupiter led to physical altercations and three arrests as those for and against the massive data center clashed.

Mahesh Thiagarajan, executive vice president of Oracle Cloud Infrastructure, and Bobby Hollis, chief development officer at STACK Infrastructure, gave the commission their first direct update on Project Jupiter, promising jobs, transparency and community engagement.

Project Jupiter still faces a major roadblock — the air quality permit that would fuel its data center has not yet been approved.

There are ongoing debates over transparency in Doña Ana County: The Foundation for Open Government filed a lawsuit on June 22 against Doña Ana County that originated with an Open Meetings Act violation — county commissioners entered into

IAS CRUCES — The first direct discussion between leadership of the massive Project Jupiter data center and Doña Ana County commissioners took place at a rowdy meeting Tuesday where three people were arrested.

Mahesh Thiagarajan, vice president of Oracle Cloud Infrastructure, announced that there would be 7,000 construction, fiber and power generation jobs at the data center's peak at the Doña Ana County site and shared more specific plans for the center's water, fueling and community impact ahead of a crucial air quality hearing in October.

The polarizing Project Jupiter is part of the \$500 billion, four-year Stargate initiative to build infrastructure for artificial intelligence for companies like Oracle and OpenAI. Critics say the process behind the data center has been opaque and that its pollutants and emissions will harm future generations. Proponents tout its economic impact and job opportunities.

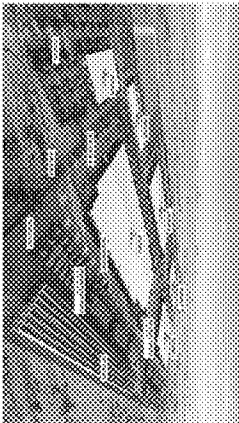
The divisions were on full display Tuesday, as construction workers in neon vests who had broken ground at the Santa Teresa site clashed with activists holding signs like "Let Santa Teresa Breathe" and "We Can't Drink Data."



Three arrested during Project Jupiter
The Santa Fe New Mexican

a closed meeting on Sept. 19, 2025, and subsequently agreed to pledge \$165 billion worth of industrial revenue bonds for Project Jupiter.

MORE INFORMATION



Bitter regulatory fight shaping up over air quality permit for Project Jupiter



Complaint alleges potential conflicts at Environment Department amid high-stakes proceedings

New Mexico land commissioner again rejects request for Project Jupiter gas lines on state land

Heinrich proposes legislation to make data centers pay for grid infrastructure

Fallout grows from rambunctious — and physical — Project Jupiter meeting



Raucous public session

Security guard accused of force at Project Jupiter meeting won't be charged

There are ongoing debates over transparency in Doña Ana County over the Project Jupiter saga. The Foundation for Open Government filed a lawsuit June 22 against the county that originated with a complaint of an Open Meetings Act violation — county commissioners entered into a closed meeting on Sept. 19, 2025, and subsequently agreed to pledge \$165 billion worth of industrial revenue bonds for Project Jupiter.

Project Jupiter's next big regulatory hurdle is its air quality permit application, which the New Mexico Environment Department will decide by Nov. 23, following a public hearing beginning Oct. 19 in Sunland Park. Developers could then be granted a permit for the facility, which is estimated to produce more than 10 million tons of greenhouse gas, measured in carbon dioxide equivalent, per year.

At Tuesday's meeting, commissioners limited public comments to 30 people, first come first served, and with two minutes each. The majority of public commenters spoke in favor of the data center.

Commissioner Susana Chaparro advised audience members to “proceed with respect and courtesy” after interruptions and booing.



At one point, Chair Manuel A. Sanchez

Image from video

asked for Orin Parnell be removed for interrupting, leading others to cheer. Parnell was subsequently arrested on suspicion of disorderly conduct.

Derrick Pacheco, who spoke against Project Jupiter, was also removed for profanity. Pacheco filed a lawsuit earlier this year that was later dismissed against county leadership over the approval process for Project Jupiter.

After the public input, protesters streamed to the front of the room, chanting: "Let us speak." The altercation became physical as law enforcement officers held back demonstrators. One protester was knocked to the ground in the scuffle. Two more individuals, Abegail Salugsugan and Kiki Garden, were arrested, according to the Doña Ana County Jail records.

The meeting was held in person at the Doña Ana County Commission chambers and was livestreamed. However, the video feed went black and silent during the clash with protesters.

"Public comment was suppressed and force was used against community members who showed up to participate," state Rep. Angelica Rubio, a Las Cruces Democrat, wrote on Bluesky. "This is what happens when a governing body has decided that a corporate deal is more important than the people it represents."

“I am calling on the Doña Ana County Commission to drop any and all charges against those currently being booked, and restore meaningful public comment to every meeting related to Project Jupiter from here on out,”
Rubio continued.



Image from video

Presentation from Oracle

Later in the meeting, Thiagarajan and Bobby Hollis, chief development officer at STACK Infrastructure, gave the commission their first direct update on Project Jupiter.

Chaparro said they had been asking for this meeting for 11 months, and Commissioner Susie Kimble said that Oracle representatives rescheduled a previous town hall meeting at the last minute.

“I have had hundreds of calls from constituents. ... They deserve to know the answers. They need to know what kind of air quality to expect, what kind of water to expect,” Chaparro said. “Being transparent: That’s what this community deserves.”

Thiagarajan said Project Jupiter’s overall economic impact to New Mexico would be over \$4.7 billion. So far, \$10 million in taxes has been paid to Doña Ana County, he said. He added that Project Jupiter would represent a long-term investment in the Doña Ana

County community, saying that Oracle plans to be using the data center for nearly 18 years, and STACK would be using it for 25 to 30 years.

Thiagarajan promised 7,000 jobs — a jump from the governor's original announcement of 1,000 — reiterated no public drinking water will be used and emphasized the data center's shift to natural gas fuel cells — which have a lifespan of five to seven years — rather than natural gas turbines.

He also talked about working with local schools and universities.

According to Thiagarajan, 300 Doña Ana County residents work at the site, but he did not have further details on where the workers came from. Kimble said that the county was supposed to get quarterly job reports, but has yet to receive one — the first is set to arrive Friday.

Kimble said she has also received mixed messaging from Bloom Energy, the fuel cell company, as well as STACK and Oracle: "That's why people are angry. And that's why they're showing up at meetings."

"It's as if you sweep into town and you're going to talk to people in your very nice voice and tell everybody



things are going to be OK. We need more information. We need more transparency," Kimble said. "We need to see the numbers. We need to see the work. We need to know what you're doing with the water, the air, the noise, the heat."

Protesters against Project Jupiter stream to the front of the room during a Doña Ana County Board of Commissioners meeting Tuesday over the planned data center. The altercation became physical as officers held back demonstrators.

Image from video

The biggest roadblock to any of Project Jupiter's construction is the air quality permit — it cannot be granted until a public hearing in late October takes place.

Thiagarajan suggested looking to El Paso Electric and the county for permission to connect to the grid if the air quality permit is not approved. However, industrial revenue bonds do not allow for rates for private taxpayers to increase, which would make that shift difficult.

"If the permit's not available, then it's the grid. If the grid is not available, I don't see how I would power the data center. It's impossible," Thiagarajan said. "The only option at that point is for me to issue stop work because I can't keep funding something I don't know how to power."

Julia Gentin is a reporter for The Santa Fe New Mexican and Searchlight New Mexico through a partnership with Report for America, a national service program that places journalists into local newsrooms. She covers

the Southern New Mexico region. Learn more about Report for America at reportforamerica.org.

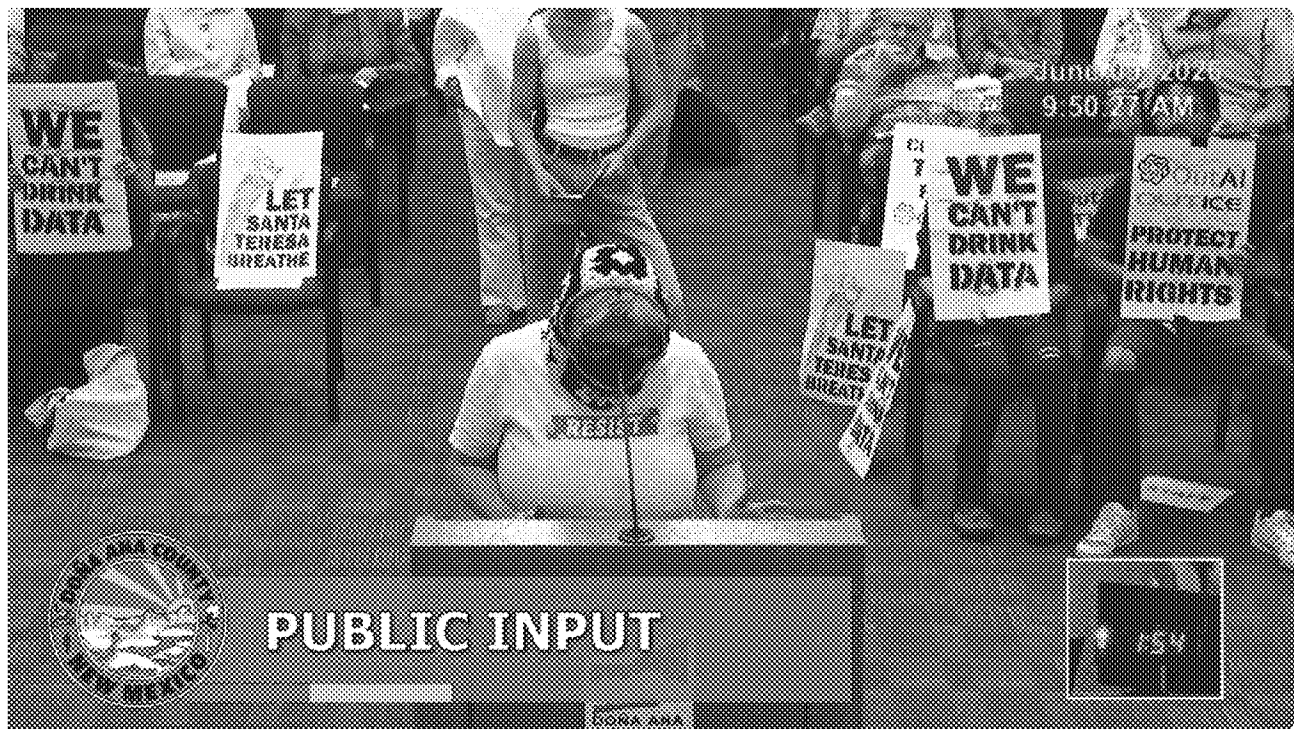
Julia Gentin



Town hall on Project Jupiter data center changed to 'community open house and career fair'

Residents who oppose the project say they're 'angered and hurt'

BY JOSHUA BOWLING - JUNE 11, 2026 9:32 AM



📷 Southern New Mexico residents packed the room at a June 9, 2026, Doña Ana County Board of Commissioners meeting to protest the fact that a town hall meeting on the Project Jupiter data center had been changed to an open house and career fair run by the project's developers. (Screenshot)

Elected leaders in southern New Mexico had previously agreed to host a community town hall next week in order for residents to ask questions and provide feedback on Project Jupiter, the controversial OpenAI and Oracle data center under construction in Doña Ana County.

So residents were surprised, in recent weeks, when they started seeing a flyer for the event circulating online. Instead of a public Q&A run by the county, it advertised a job fair run by the project's developers.

"Come spend an evening with us," the flyer for the June 17 event at Sunland Park Sports Complex read. "Meet the Project Jupiter team and representatives from Oracle, OpenAI, STACK Infrastructure and Bloom Energy, ask questions, explore job opportunities, and connect with neighbors. Food, family activities and entertainment will be provided."

One of the residents who pushed for the community town hall meeting, Las Cruces-based filmmaker Annie Ersinghaus, told Source NM she was “angered and hurt” when she learned the meeting’s format had significantly changed.

“They were clearly afraid of how the community was going to turn out...it just feels like propaganda,” she said.

County leaders signed off on the project last September. Source NM was first to report that under an initial proposal, the campus’ planned on-site natural gas plants could have contributed more greenhouse gas emissions than all of Albuquerque and Las Cruces combined. Since then, developers have altered their plans to rely on fuel cells rather than natural gas plants, although environmental advocates have noted that those are still projected to emit large amounts of pollutants.

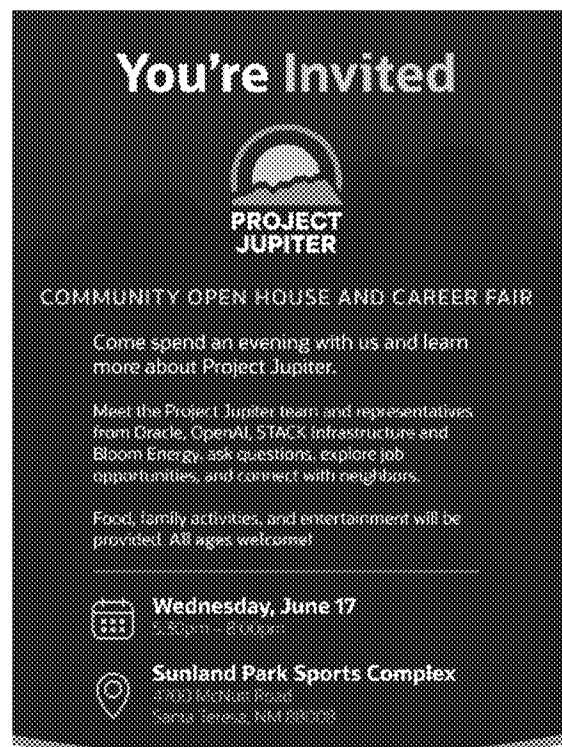
The New Mexico Environment Department recently extended the public comment period on the project’s new air quality permit application from July 1 to end-of-day on July 6.

Project opponents packed the room at Tuesday’s Doña Ana County Board of Commissioners meeting, carrying signs with messages like “Let Santa Teresa breathe” and “Closing time for OpenAI.”

For nearly a year, critics have said that county leaders did not adequately share information about the project with the community before approving it last September – an allegation that is the subject of multiple pending lawsuits against the board of commissioners. The recent change in plans, they said, was the county’s latest misstep.

“The community open house and career fair that Project Jupiter has announced should not be regarded as a substitute for a genuine public forum,” resident Lynn Moorner told elected leaders during the public comment portion of Tuesday’s meeting. “If the commission does regard it as such, it would be another false step by the county.”

Moorner said that the open house format seemed to be a “classic divide-and-conquer strategy.”



📍 A crowd of southern New Mexico residents recently packed the room at a Doña Ana County Board of Commissioners meeting to cry foul over a Project Jupiter town hall meeting turning into a career fair run by the companies behind the controversial data center project. (Courtesy of Annie Ersinghaus)

“Get concerned citizens split up and spread out,” Moorer said. “The fair and food are great distractions and impediments to serious conversations.”

One commissioner, Susana Chaparro, told residents from the dais that she was as surprised as they were when she first saw the flyer for the open house and career fair. She said she had previously requested a town-hall style meeting about Project Jupiter so residents could learn more about the development and share any concerns with county leaders.

The meeting’s format “had changed drastically from what I had requested and what you had been promised,” Chaparro said. “You begged for this meeting to answer well-founded questions and we’re still not listening, in my opinion.”

In an email to Source NM Wednesday, an Oracle spokesperson wrote that the event “is designed to maximize community participation and engagement” and will “give community members direct access to project representatives and subject matter experts to ask questions and get the facts” about the development, including economic benefits and water usage.

“The event has been planned and communicated as an open house, with a format focused on individual conversations and topic-specific information sharing. The location was chosen with the community in mind. Because of the high interest community stakeholders have in workforce development, the event will also include trade partners, construction teams, and subcontractors to connect residents with potential career opportunities,” the statement said. “This open house does not replace or alter any regulatory process. We value our relationship with Doña Ana County and its residents and look forward to continuing this engagement.”

RECEIVED

By The Office Of The Secretary at 11:34 am, Jul 16, 2026

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

Exhibit B

**IN THE MATTER OF:
THE APPLICATION OF YUCCA
GROWTH INFRASTRUCTURE'S,
LLC FOR AN AIR QUALITY PERMIT,
NO. NSR 10883**

AQB 26-57 (P)

SCHEDULING ORDER

This matter comes before the Hearing of Officer pursuant to the Notice of Docketing, Appointment of Hearing Officer, and Delegation of Final Decision Authority filed on July 2, 2026. Following a July 15, 2026, scheduling conference attended by all parties, including the Applicant, Yucca Growth Infrastructure, LLC. (Applicant), represented by Jennifer L. Biever, Jennifer L. Bradfute, and David Kirmse; the New Mexico Environment Department (Department), represented by Christopher Vigil and Brian Yardman-Frank; Interested parties: Nicholas Maxwell; Bruce Wetherbee; Joe Cardillo; the Center for Biological Diversity, represented by Colin Cox and Gail Evans; New Energy Economy, represented by Mariel Nanasi and Christopher Dodd; as well as Vivian Fuller and Jose Saldaña Jr., both represented by Maslyn K. Locke and Eric D. Jantz of the New Mexico Environmental Law Center, and Youth United for Climate Crisis Action represented by Esperanza Chairez and Zephra Jaramillo, . The Hearing Officer orders as follows:

1. Procedural Rules, Hearing Date, Time and Location. The public hearing in this matter will be conducted pursuant to 20.1.4 NMAC and shall be held at the Sunland Park Multi-Generational Center located at 4700 McNutt Road, Sunland Park, New Mexico 88063. The public hearing will begin at 9:00 a.m. on Monday, October 19, 2026, and continue as necessary.

2. Technical Evidence, Notices of Intent (NOI), and Exhibits. Any person or organization intending to present technical evidence at the hearing shall pre-file full written technical testimony accompanied by appropriately marked exhibit(s) with the Hearing Clerk on or before October 1, 2026,

and serve an electronic copy on all other parties. NOIs to submit rebuttal testimony, if any, shall be pre-filed on or before October 12, 2026. Pursuant to 20.1.4.400(B) NMAC the Hearing Officer shall admit all relevant evidence that is not unduly prejudicial or repetitious, or otherwise unreliable or of little probative value. Technical evidence or testimony means scientific, engineering, economic or other specialized evidence or testimony and does not include legal argument, general comments, or statements of policy.

3. NOIs shall identify the person filing the statement; state whether the person supports or opposes issuance of the permit, identify each witness, including name, affiliation, education and work background; shall include a full written narrative of the testimony of each witness, including any opinion to be offered by each witness and an explanation of the basis for the opinion; include technical materials relied upon by each witness in forming opinions; estimate the length of each witness's presentation. Failure to file a timely and complete NOI will preclude a person from presenting that technical evidence or testimony. Exhibits must be marked clearly with exhibit number(s) and the name of the party on whose behalf the exhibit is submitted. Pages shall be sequentially numbered.

4. Non-Technical Comment. General comment may be submitted in writing while the evidentiary record is open through the Department's Public Participation webpage, and/or verbally at the public hearing. Individuals intending to provide general comment at the hearing shall notify the WebEx host by raising their "digital" hand or affix their names to the sign-in sheet at the physical location of the hearing. Individuals will be sworn-in and allowed to submit comments throughout the first day of the scheduled hearing on October 19, 2026 and at various times throughout the hearing. Public comment shall be limited to no more than three (3) minutes per individual, unless otherwise ordered by the Hearing Officer.

5. Technical Witness Summary Time Limit. When called to testify by a party, technical witnesses shall adopt their pre-filed full-written technical testimony (and any rebuttal testimony), making any corrections then known under oath and provide a plain language summary of their testimony for the public. Summaries shall be limited to 30 minutes per witness, not including cross-examination.

6. Prehearing Motions (including all dispositive motions and motions to exclude evidence). Unless otherwise ordered by the Hearing Officer, for good cause shown by the movant, all prehearing motions shall be filed on or before September 28, 2026. Responses shall be filed by October 9, 2026.

7. Discovery. As provided in 20.1.4.200(E) NMAC, formal discovery will be allowed only upon order of the Hearing Officer.

8. Official Record. The hearing will be recorded via WebEx, and the link will be posted on the Department's YouTube channel within 24 hours of the hearing. If the Permit Applicant contracts with a court reporter, the verbatim transcript shall be the official record.

9. Notice. The Department and the Hearing Clerk shall prepare and publish the necessary public notice for the hearing in English and in Spanish no later than 30-days prior to the hearing pursuant to NMSA 1978, § 74-9-22, and 20.1.4.200 NMAC.

10. Accommodations. The Department shall provide a method for those public members who have a limited English proficiency to participate in the hearing.

11. Post-Hearing Submissions. As provided in 20.1.4.500 NMAC, unless otherwise ordered by the Hearing Officer, post-hearing submissions shall be timely filed within thirty (30) calendar days after the notice of transcript is filed. The parties shall file their comments and exceptions to the Hearing

Officer's report and recommended decision within fifteen (15) calendar days of its filing. The Hearing Officer reserves the right to amend the report after consideration of the comments.

12. Administrative Record. The Department shall forward the Administrative Record to the Hearing Clerk no later than the date prior to the hearing.

By: /s/ Max Shepherd
Max Shepherd, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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Hearing Officer

By: /s/ Luis Lopez
Luis Lopez, Hearing Clerk
Office of Public Facilitation
New Mexico Environment Department
Direct: 505-490-0186
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Office of the Governor

MICHELLE LUJAN CRISHAM**Official Schedule**

Week of July 27, 2026

This schedule is subject to change. All times are Mountain Time.

Monday, July 27th

Time	Event
1:00 PM – 2:00 PM	Meeting w/ Dr. Goldstein
2:30 PM – 3:30 PM	Meeting w/ Oracle
4:00 PM – 5:00 PM	Meeting w/ Carpenters
5:30 PM – 7:30 PM	Dinner w/ Senator Stewart

Tuesday, July 28th

Time	Event
10:30 AM – 12:00 PM	Senior Staff Meeting
1:00 PM – 1:30 PM	Comms Weekly Check-In Call
2:00 PM - 2:30 PM	Meeting w/ Secretary DeBlassie
3:00 PM – 4:00 PM	ALTSD Promo Filming
4:00 PM – 5:00 PM	Weekly Media
5:30 PM – 7:30 PM	Visit w/ Plexos

Wednesday, July 29th

Time	Event
3:00 PM - 4:15 PM	UnidosUS Plenary Session

Thursday, July 30th

Time	Event
12:00 PM – 1:00 PM	Call w/ Senator Heinrich and Governor Paisano
6:00 PM – 8:00 PM	Burrell College Celebration

Friday, July 31st

Time	Event
10:30 AM – 10:45 AM	Pop-in w/ Theresa Trujeque
11:00 AM – 11:30 AM	Meeting w/ Santo Domingo Pueblo
12:00 PM – 12:30 PM	Filming w/ Comms
12:45 PM – 1:00 PM	Briefing w/ Secretary DeBlassie and Secretary Sandoval
3:00 PM – 4:30 PM	Dr. Jill Biden Event
5:30 PM – 7:30 PM	Dinner at Robert Meya's

Saturday, August 1st

Time	Event
2:00 PM – 3:00 PM	Santa Fe Back-to-School Bash
5:30 PM – 11:30 PM	Lili Elbe Opera

RECEIVED

By The Office Of The Secretary at 4:51 pm, Jul 29, 2026

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

Exhibit D

**IN THE MATTER OF:
THE APPLICATION OF YUCCA
GROWTH INFRASTRUCTURE'S,
LLC FOR AN AIR QUALITY PERMIT,
NO. NSR 10883**

AQB 26-57 (P)

AMENDED SCHEDULING ORDER

This matter comes before the Hearing of Officer pursuant to the Notice of Docketing, Appointment of Hearing Officer, and Delegation of Final Decision Authority filed on July 2, 2026. Following a July 27, 2026, conference requested by Applicant and attended by all parties, including the Applicant, Yucca Growth Infrastructure, LLC. (Applicant), represented by Jennifer L. Biever, Jennifer L. Bradfute, and David Kirmse; the New Mexico Environment Department (Department), represented by Christopher Vigil and Brian Yardman-Frank; Interested parties: Nicholas Maxwell; Bruce Wetherbee; Joe Cardillo; the Center for Biological Diversity, represented by Colin Cox and Gail Evans; New Energy Economy, represented by Mariel Nanasi and Christopher Dodd; as well as Vivian Fuller and Jose Saldaña Jr., both represented by Maslyn K. Locke and Eric D. Jantz of the New Mexico Environmental Law Center, and Youth United for Climate Crisis Action represented by Esperanza Chairez and Zephth Jaramillo, . The Hearing Officer orders as follows:

1. Procedural Rules, Hearing Date, Time and Location. The public hearing in this matter will be conducted pursuant to 20.1.4 NMAC and shall be held at the Sunland Park Multi-Generational Center located at 4700 McNutt Road, Sunland Park, New Mexico 88063. The public hearing will begin at 9:00 a.m. on Monday, September 14, 2026, and continue as necessary.

2. Technical Evidence, Notices of Intent (NOI), and Exhibits. Any person or organization intending to present technical evidence at the hearing shall pre-file full written technical testimony accompanied by appropriately marked exhibit(s) with the Hearing Clerk on or before August 24, 2026,

and serve an electronic copy on all other parties. NOIs to submit rebuttal testimony, if any, shall be pre-filed on or before September 3, 2026. Pursuant to 20.1.4.400(B) NMAC the Hearing Officer shall admit all relevant evidence that is not unduly prejudicial or repetitious, or otherwise unreliable or of little probative value. Technical evidence or testimony means scientific, engineering, economic or other specialized evidence or testimony and does not include legal argument, general comments, or statements of policy.

3. NOIs shall identify the person filing the statement; state whether the person supports or opposes issuance of the permit, identify each witness, including name, affiliation, education and work background; shall include a full written narrative of the testimony of each witness, including any opinion to be offered by each witness and an explanation of the basis for the opinion; include technical materials relied upon by each witness in forming opinions; estimate the length of each witness's presentation. Failure to file a timely and complete NOI will preclude a person from presenting that technical evidence or testimony. Exhibits must be marked clearly with exhibit number(s) and the name of the party on whose behalf the exhibit is submitted. Pages shall be sequentially numbered.

4. Non-Technical Comment. General comment may be submitted in writing while the evidentiary record is open through the Department's Public Participation webpage, and/or verbally at the public hearing. Individuals intending to provide general comment at the hearing shall notify the WebEx host by raising their "digital" hand or affix their names to the sign-in sheet at the physical location of the hearing. Individuals will be sworn-in and allowed to submit comments throughout the first day of the scheduled hearing on September 14, 2026 and at various times throughout the hearing. Public comment shall be limited to no more than three (3) minutes per individual, unless otherwise ordered by the Hearing Officer.

5. Technical Witness Summary Time Limit. When called to testify by a party, technical witnesses shall adopt their pre-filed full-written technical testimony (and any rebuttal testimony),

making any corrections then known under oath and provide a plain language summary of their testimony for the public. Summaries shall be limited to 30 minutes per witness, not including cross-examination.

6. Prehearing Motions (including all dispositive motions and motions to exclude evidence).

Unless otherwise ordered by the Hearing Officer, for good cause shown by the movant, all prehearing motions shall be filed on or before August 24, 2026. Responses shall be filed by September 3, 2026.

7. Discovery. As provided in 20.1.4.200(E) NMAC, formal discovery will be allowed only upon order of the Hearing Officer.

8. Official Record. The hearing will be recorded via WebEx, and the link will be posted on the Department's YouTube channel within 24 hours of the hearing. If the Permit Applicant contracts with a court reporter, the verbatim transcript shall be the official record.

9. Notice. The Department and the Hearing Clerk shall prepare and publish the necessary public notice for the hearing in English and in Spanish no later than 30-days prior to the hearing pursuant to NMSA 1978, § 74-9-22, and 20.1.4.200 NMAC.

10. Accommodations. The Department shall provide a method for those public members who have a limited English proficiency to participate in the hearing.

11. Post-Hearing Submissions. As provided in 20.1.4.500 NMAC, unless otherwise ordered by the Hearing Officer, post-hearing submissions shall be timely filed within thirty (20) calendar days after the notice of transcript is filed. The parties shall file their comments and exceptions to the Hearing Officer's report and recommended decision within fifteen (15) calendar days of its filing. The Hearing Officer reserves the right to amend the report after consideration of the comments.

12. Administrative Record. The Department shall forward the Administrative Record to the Hearing Clerk no later than the date prior to the hearing.

By: /s/ Max Shepherd
Max Shepherd, Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of July 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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Max Shepherd
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Hearing Officer

By: /s/ Luis Lopez
Luis Lopez, Hearing Clerk
Office of Public Facilitation
New Mexico Environment Department
Direct: 505-490-0186
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RECEIVED

Laura Lopez
By The Office Of The Secretary at 10:09 am, Aug 12, 2026

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT

Exhibit E

IN THE MATTER OF:

THE APPLICATION OF YUCCA
GROWTH INFRASTRUCTURE'S,
LLC FOR AN AIR QUALITY PERMIT,
NO. NSR 10883

AQB 26-57 (P)

ORDER

This matter having come before me on a request by Center for Biological Diversity, (CBD) Jose Saldaña Jr. and Vivian Fuller for production of documents and set of interrogatories to NMED filed 7/31/2026; Request for Hearing Officer to Order Discovery filed by New Energy Economy (NEE) on 7/27/ 2026; NEE's Second Request for Discovery filed 7/28/ 2026; Applicant's response filed 7/31/2026 to the discovery requests filed by CBD and NEE; NEE's Response to YGI's request for denial of discovery filed 8/3/2026; CBD's reply in support of Discovery Request filed 8/5/2026 and NMED's response to Requests for Discovery filed 8/7/2026.

I have reviewed all of the discovery requests that have been filed and all of the responses filed thereto, and the authorities cited therein and in addition I have further reviewed rule 4 and discovery in air quality permit hearings and I have concluded that my initial interpretation of discovery under Rule 4 was incorrect and that discovery is not allowed in air quality permit proceedings.

Specifically, I adopt the following language from Applicant's response filed

7/31/2026:

The New Mexico Environment Department made the clear decision to distinguish hearings under the Solid Waste Act from all other permitting proceedings. Specifically, Section 20.1.4.200(E) authorizes discovery in "special procedures for hearings under the Solid Waste Act." Neither Section 20.1.4.200(E) nor any other subsection of that provision authorizes discovery in any other permitting proceedings. This is consistent with the legislative direction under Section 74-9-29 of the Solid Waste Act expressly authorizing discovery procedures to be adopted in Solid Waste Act *permit* proceedings. No similar legislative authority is found in the in the Air Act.

Indeed, with respect to air, the legislature has only authorized discovery in *enforcement* proceedings. *Compare* Solid Waste Act § 74-9-29 ("As a minimum, the procedural regulations shall provide: ... (5) procedures for discovery" in adjudicatory proceedings which are defined to include permit proceedings) *with* Air Act § 74-2-12 ("In connection with a proceeding under this section [concerning enforcement of the Air Act], the secretary or the director ... may adopt rules for discovery procedures.").

Consequently, the Hearing Officer is bound by the regulations and cannot invoke authority in a procedural order that has not been granted by statute or regulation. It is black letter law that "administrative agencies are bound by their own regulations." *Law v. N.M. Human Servs. Dep't.*, 2019-NMCA-066, ¶ 23, 451 P.3d 91. Because the New Mexico Environment Department is a creature of statute, it "has no common law or inherent powers and can act only as to those matters which are within the scope of the authority delegated to them." *Alto Coal. for Env't Pres. v. Roper Constr., Inc.*, 2025-NMCA-018, ¶ 12, 572 P.3d 268. Nor is there any authority or basis for the argument that "due process" requires discovery in this proceeding.

For the reasons stated above I hereby deny all of the Requestors' motions for discovery. I reaching this decision I did not consider Applicant's response filed 8/7/2026.

Max Shepherd
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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Max Shepherd
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Hearing Officer

By: /s/ Luis Lopez
Luis Lopez, Hearing Clerk
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New Mexico Environment Department
Direct: 505-490-0186
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**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT**

IN THE MATTER OF:

**THE APPLICATION OF YUCCA
GROWTH INFRASTRUCTURE
LLC FOR AN AIR QUALITY PERMIT,
NO. NSR 10883**

No. AQB 26-57 (P)

SUA SPONTE ORDER

After due consideration I have determined that my Order of August 5, 2026 requesting that the parties brief New Energy Economy's (NEE) Motion to Show Cause as to why the above referenced application should not be dismissed was inadvisably filed, and my Order is hereby withdrawn and no responses to that order are to be filed. This Sua Sponte Order is based on a determination that NEE's motion is not ripe for adjudication in that NEE has not established the dispositive premises of its motion. NEE's dispositive theory under 20.2.72.208(G) depends on the proposition that the Green Chili Lateral is the only means by which the proposed source can receive natural gas, and the Commissioner of Public Lands has canceled and denied reconsideration of two requested rights-of-way that would allow Applicant to build the necessary pipeline to supply that gas. However, NEE's motion does not establish or even address the possibilities that affected segments cannot be rerouted, that a meter station cannot be relocated, that another interconnection is unavailable, or that another legally obtainable delivery arrangement does not exist. In other words, NEE's motion does not establish that

other possibilities do not exist that would allow the facility to be built within a reasonable time, making 20.2.72.208 (9) NMAC irrelevant.

My August 5 Order asks the parties to present facts necessary to evaluate that issue. However, I find that such facts should be developed through testimony presented under oath rather than through argument of counsel in briefs, and is, therefore, more appropriately adjudicated at the hearing on September 14, 2026. For these reasons I deny NEE's motion to show cause and withdraw my Order of August 5, 2026.

August 9, 2026

Max Shepherd
Hearing Officer

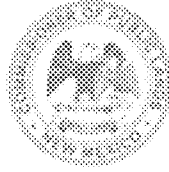


Exhibit G

State of New Mexico
Commissioner of Public Lands
Stephanie Garcia Richard

310 OLD SANTA FE TRAIL
P.O. BOX 1148
SANTA FE, NEW MEXICO 87504-1148

July 14, 2026

Via First Class Mail and Email (mark.vedral@energytransfer.com)

Mark Vedral
Senior Director – Land/Projects
Energy Transfer
1300 Main Street
Houston, TX 77002

Dear Mr. Vedral:

The New Mexico State Land Office (“NMSLO”) is in receipt of two letters from you dated April 2, 2026 on behalf of ET Gathering and Processing LLC and Transwestern Pipeline Company LLC, which we understand are both subsidiaries or affiliates of Energy Transfer (“Subsidiaries”). The letters (“Reconsideration Letters”) ask for reconsideration of NMSLO’s prior rejection of Energy Transfer Subsidiaries’ applications for two rights-of-way and a business lease on or across New Mexico state trust lands in connection with a massive planned data center project in Doña Ana County called “Project Jupiter.” The Reconsideration Letters are functionally identical. For the reasons described in this letter, Energy Transfer’s request for reconsideration of the agency’s prior determination is denied.

The office of Land Commissioner is established under the New Mexico Constitution and by statute. *See* N.M. Const., art. V, § 1; *id.*, art. XIII, § 2; NMSA 1978, § 19-1-1 (1912); *id.* § 19-1-2 (1953). The Commissioner is the chief executive officer of the NMSLO, and exercises authority over lands and mineral resources granted to the State of New Mexico by the federal government in trust to generate support for public schools and other state institutions, such as hospitals and universities, and is designated under New Mexico law to carry out the State’s trust duties under the New Mexico Enabling Act (Act of Congress of June 20, 1910, 36 Stat. 557, Ch. 310, § 10).

Through what appear to be separate project entities, Energy Transfer applied for two separate rights-of-way for the same project – a buried 24” natural gas pipeline called the “Green

Chili Lateral.” ET Gathering and Processing LLC was named as the applicant for around 2,000 feet of a southern segment of the pipeline (Township 29 South, Range 2 East, Section 2), while Transwestern Pipeline Company LLC was named as the applicant for about 3,200 feet of a northern segment of the pipeline (Township 25 South, Range 2 East, Section 32). The requested rights-of-way on state trust land represent a small part of the overall approximately 17-mile proposed project. NMSLO received the applications on February 6 and February 9, 2026, and assigned them for review purposes right-of-way number R4-3458 and R4-3459, respectively. Transwestern Pipeline Company LLC also applied for a state business lease for the “Green Chili Meter Station” to connect the proposed new Green Chili Lateral with an existing El Paso Natural Gas line; this application was assigned number BL-3339 for review purposes. By letters dated March 20, 2026, NMSLO notified the Subsidiaries that the right-of-way and business lease applications were canceled and would not be processed further. The Reconsideration Letters followed.

As a threshold matter, Energy Transfer and the Subsidiaries misunderstand the scope of the Commissioner’s authority with respect to the use and management of state trust lands. The Reconsideration Letters both state that the Subsidiaries “filed [the] Applications in full compliance with the NMSLO’s applicable regulations ... and paid all required filing fees To [the Subsidiaries’] knowledge, the Applications were complete and in proper form at the time of submission....”; and that “[t]he cancellation of the properly filed, fee-paid applications – without notice, without identification of any deficiency, and without any stated rationale – raises serious concerns...” Reconsideration Letters at 1.

Energy Transfer presupposes that it is entitled to issuance of the rights-of-way and business lease merely by virtue of filing applications and paying nominal application fees (\$100 for short-term business lease applications and \$250 for rights-of-way). The Commissioner, however, is under no obligation to issue any lease, right-of-way, or permit to any party, and properly does so only upon determining that a given lease, right-of-way, or other authorization is in the best interests of the state land trust which the Commissioner serves as a fiduciary. *See State ex rel. Otto v. Field*, 1925-NMSC-019, ¶ 85, 31 N.M. 120 (“[I]t may not be doubted that the Legislature ... in creating the state land office, intended that the commissioner should exercise the power ... to use his discretion in making deeds, contracts, and grants”); see also *Heimann v. Ade*e, 1996-NMSC-053, ¶ 30, 122 N.M. 340, 924 P.2d 1352 (New Mexico law vests the Commissioner with “plenary authority over state lands.”).

The Commissioner has determined that issuing the rights-of-way and business lease that Energy Transfer has requested through its Subsidiaries would not be in the best interests of the trust for several reasons. First, the rights-of-way and business lease would only generate minimal revenue for NMSLO. NMSLO rights-of-way are generally priced on a published fee schedule, and at those rates the rights-of-way would generate only one-time payments of \$11,282.20 and \$20,624.65 over a 35-year period. The business lease, meanwhile, based on acreage and intended use, would bring in only modest annual payments of \$43,406.00 over its five-year term.

There are also few, if any, collateral benefits that Project Jupiter and the ancillary infrastructure facilitating it, such as the Green Chili Lateral, would provide to NMSLO or the trust. The overall project is apparently intended to serve large technology companies like Oracle; the

Green Chile Project (of which the “Green Chili Lateral” for which Energy Transfer’s Subsidiaries sought NMSLO rights-of-way is apparently a component) is expected to transport 400 million cubic feet of gas per day to power the operation. *See Danielle Prokop, “BLM Fast-Tracks ‘Green Chile’ Pipeline Construction Review for NM Data Center Project Jupiter,” Source New Mexico, May 7, 2026.*¹ This undertaking undoubtedly will enrich Project Jupiter’s financial backers, developers, and tenants, and the developers of related infrastructure such as Energy Transfer, but neither Energy Transfer nor any other party has demonstrated how Project Jupiter will provide any significant benefit to NMSLO or its beneficiaries. The burden that the project will impose on New Mexico’s water and other natural resources, and on the surrounding community, is extreme. This includes the negative impact that greenhouse gas emissions play in driving climate change, which effects the health and productivity of state trust lands throughout New Mexico. Even with a proposed change from gas-fired power plants to a fuel-cell based power source, Project Jupiter is expected to emit more than 10 million tons of greenhouse gases per year, according to its own permit applications. *See Heath Haussamen, “Project Jupiter Unveils Less-Polluting Power Plan,” Haussamen.com, April 26, 2026.*² This is almost double the annual emissions of the entire city of Albuquerque, New Mexico’s largest metropolitan area. *See City of Albuquerque, 2025 Greenhouse Gas Inventory.*³ At a time when New Mexico needs to stop the out-of-control acceleration of climate change, literally doubling down on dangerous emissions is irresponsible and incompatible with NMSLO’s mission. Project Jupiter is also expected to consume nearly a million gallons of water a day in one of the most arid corners of our arid state. *See Alaina Mencinger, Project Jupiter Will Need Nearly 1 Million Gallons of Water a Day – Where Will it Come From?, Santa Fe New Mexican, Apr. 6, 2026.*⁴

NMSLO is proud to partner in clean, sustainable economic development. However, building pipelines and other gas infrastructure intended to serve Project Jupiter is a poor use of New Mexico state trust lands and staff resources, and based on available information appears that it will impose environmental costs on New Mexico greater than any resulting benefit to the trust, our people and our resources. Advancing the massive use of gas for a project of this scale is simply not in the best interest of the trust. For these reasons, I am upholding the agency’s determination not to issue the rights-of-way and business lease to Energy Transfer that are component parts of Project Jupiter. If you are aggrieved by this decision, you may file a petition for administrative

¹ Available at <https://sourcenm.com/2026/05/07/blm-fast-tracks-green-chile-pipeline-construction-review-for-new-mexico-data-center-project-jupiter/>

² Available at <https://haussamen.com/2026/04/27/project-jupiter-unveils-less-polluting-power-plan/>

³ Available at <https://www.cabq.gov/sustainability/documents/ghg-inventory-2025-booklet.pdf/@download/file/ghg-inventory-2025-booklet.pdf>

⁴ Available at https://www.santafenewmexican.com/news/local_news/project-jupiter-will-need-nearly-1-million-gallons-of-water-a-day-where-will-it/article_9cf82fa5-9bf5-49c9-864d-a51f5ff5ab1d.html

Mark Vedral
Energy Transfer
July 14, 2026
Page 4

contest pursuant to State Land Office rules (*see* 19.2.15 NMAC) within 30 days of the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie", with a long horizontal flourish extending to the right.

Stephanie Garcia Richard
Commissioner of Public Lands

RECEIVED

Luis Lopez
By The Office Of The Secretary at 10:17 am, Aug 05, 2026

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF:

THE APPLICATION
OF YUCCA GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT
NO. 10883

AQB 26-57

ORDER

This matter having come before me on the motion of New Energy Economy (NEE) to dismiss or continue YGI's application for a construction air quality permit pursuant to 20.2.7.208(G) NMAC for YGI's failure to have the necessary fuel supply and movant's concomitant request to expeditiously show cause why the motion to dismiss should not be granted. I have reviewed the motion and find that an expedited response to issues presented by NEE is appropriate, I hereby order the parties to submit responses supporting or opposing NEE's motion to dismiss or continue by August 11, 2026, and I hereby order YGI and NMED to specifically address the following issues in their responses:

- Whether any legally obtainable alternative source of natural gas exists capable of supplying the approximately 400 million cubic feet of natural gas per day required by Project Jupiter;
- Whether Applicants intend to administratively appeal the Commissioner of Public Lands' denial of the Green Chili Lateral rights-of-way and business lease;

- Whether any alternative pipeline route or alternative fuel delivery system has been identified, engineered, or permitted;
- Whether the project described in Air Quality Permit Application No. 10883 remains capable of being constructed as proposed in light of the Land Office Commissioner's decisions; and
- Whether the proposed source can still be “completed in a reasonable time,” as required by 20.2.7.208(G) NMAC, notwithstanding the denial of the essential fuel infrastructure.

August 5, 2026

Max Shepherd
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of August 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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RECEIVED

Luis Lopez
By The Office Of The Secretary at 4:37 pm, Aug 12, 2026

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF:

THE APPLICATION

AQB 26-57

OF YUCCA GROWTH INFRASTRUCTURE, LLC

FOR AN AIR QUALITY PERMIT

NO. 10883

ORDER

This matter having come before me on the Motion of New Energy Economy (NEE) to reconsider my Sua Sponte Order filed August 10, 2026 denying NEE's motion to dismiss this air quality permit application. In support of its motion NEE argues in part that in reaching my decision to deny the motion to dismiss I had impermissibly shifted the burden of proof to the Movant.

NEE is of course correct that Applicants bear the burden of demonstrating that the permit application before the Department satisfies the applicable requirements of the Air Quality Control Act and the Department's regulations. *See*, 20.2.70.302 NMAC. (Permit Content includes all permit conditions.)

NEE is, however, not correct in asserting that I have shifted the burden of proof in my Order. What the Sua Sponte Order of August 10, 2026 does is simply to shift the time when this matter should be heard.

Under the administrative permitting rules, all the parties submit their respective Statements of Intent ("SOT") by the deadline set in the rules or by order of the Hearing Officer. 20.1.4.300(B). Applicant's technical testimony is, therefore,

not due until August 24, 2026, which is only 12 days away.

Applicant is aware of the pipeline issue and that issue by necessity will factor in Applicant's technical testimony filed on the 24th. A motion to dismiss could be filed after that date and Applicant would have the burden of proving that it had the ability to provide the fuel necessary to operate the facility.

A hearing on a motion to dismiss would allow the parties to present evidence under oath and would also allow for cross-examination which would not be available if the issue were to be presented through briefing.

This decision is also consistent with the accepted principle that discovery is not allowed in air quality permit proceedings. See my Order of August 11, 2026.

For the reasons stated above NEE's motion to reconsider is denied.

Max Shepherd
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of August 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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