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May 14, 2025

The Honorable Pete Hegseth
Secretary of Defense
Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretary Hegseth,

I write to express my concerns regarding Secretary Burgum's April 21, 2025, *Public Land Order* No. 7963 transferring approximately 109,651 acres of federal public land in Doña Ana, Luna, and Hidalgo Counties, New Mexico, to the Department of the Army.

The multiple-use public lands along New Mexico's southern border offer opportunities for an essential blend of uses that meet the values and needs of the people of southern New Mexico. Local residents and visitors alike rely on these lands for hiking, mountain biking, hunting, camping, and experiencing New Mexico's natural heritage, while ranchers depend on them for grazing access critical to their livelihoods. These landscapes are not only biologically diverse, but also culturally significant, and they deserve thoughtful stewardship and clear communication when federal land designations shift or change in use.

I have deep concerns that the Trump Administration is bypassing due process for individuals who either intentionally or unintentionally enter this newly restricted area, including United States citizens who may be stopped and detained by U.S. Army soldiers for trespassing on an unmarked military base.

While I understand the Department's stated interest in reducing migrant crossings at the border, this transfer raises a number of urgent questions that I respectfully request the Department of Defense address:

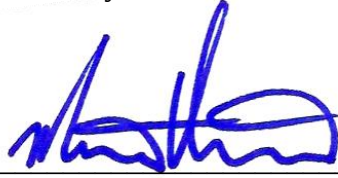
1. What is the current public access status of the lands under the NDA designation? Are these areas now closed to public entry, or are they still accessible to U.S. citizens or persons legally present in the United States?
2. If this area is not fully open to the public, will the Department install signage to clearly mark the boundaries of the NDA along the perimeter of every restricted area? For example, will signage be installed adjacent to NM State Highway 9, such that individuals can see the signage before entering the northern boundary of the NDA? Similarly, will signage be installed at the southern perimeter of the NDA such that individuals can see the signage before entering the NDA?

3. Are you enforcing trespassing on the NDA north of the Roosevelt Reservation? If not, why did the Administration withdraw the entire NDA?
4. Will you notify the public about any new public access restrictions on the NDA?
5. The NDA includes significant acreage within New Mexico Game and Fish Hunt Units 25, 26, and 27. Will hunting continue to be allowed within the NDA, and if so, under what additional regulations or conditions?
6. Are other recreational uses, including hiking, camping, and off-road vehicle use, still allowed within the NDA?
7. Can hikers on the Continental Divide National Scenic Trail access the southern terminus, which is located within the NDA?
8. Are there any grazing permits previously authorized in the affected area? If so, will ranchers retain access under the new designation?
9. How many private individuals or entities currently hold rights-of-way (ROW) or easements within the newly withdrawn boundary? Will they still have access to their ROWs?
10. How many mining claims are within the boundary of the NDA?
11. Can the New Mexico State Land Office access state land within the NDA? Can lease or permit holders on state land within the NDA continue to utilize those state trust lands pursuant to those leases or permits?
12. Does the NDA limit road access to any private property within the boundaries of the NDA? If so, how is the department providing access to those private property owners?
13. Are DOD personnel crossing private lands or using private roads to access DOD-managed land within in the NDA? If so, which properties? Are they doing so with the consent of those property owners? If military personnel are entering private land without permission of the landowner, under what authority are they accessing that private land?
14. It has been reported that at least 300 individuals have been detained within the NDA area since the designation. How many of these individuals were U.S. citizens or were legally present in the United States?

The residents of southern New Mexico have longstanding relationships with these lands—whether as business owners, stewards, sportsmen, ranchers, or recreational users. As such, decisions that significantly alter their access or legal standing must be made transparently and with meaningful consultation. Further, it is of utmost importance that federal laws and the constitution are upheld.

I respectfully request a detailed written response to the above questions by May 28, 2025. Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact my staff at (202) 224-4971.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Martin Heinrich', is written over a horizontal line.

Martin Heinrich
Ranking Member