Silver City District 1 Councilor Angela Salaiz:

I have received numerous emails and messages from constituents expressing concerns about Senate Bill 5653 and its potential impact on environmental protections, public participation, Tribal sovereignty, and local government authority.

Today, November 3, 2026, I submitted the following letter to U.S. Senator Martin Heinrich requesting clarification on several provisions of this legislation, particularly as they relate to data-center development and the ability of communities to protect their resources.

As your District 1 Councilor, I believe it is important to ask these questions and seek clear answers about legislation that could have significant consequences for our communities.

I am sharing my correspondence in the interest of transparency and to let constituents know that their concerns are being heard and addressed.

I look forward to Senator Heinrich's response and will share any substantive information I receive.

==========

November 3, 2026

The Honorable Martin Heinrich

United States Senate

Washington, DC 20510

Subject: Request for Clarification Regarding S. 5653 — Federal Permitting Reform, Environmental Protections, and Local Government Authority

Dear Senator Heinrich:

I am writing as the District 1 Councilor for the Town of Silver City, New Mexico, and as one of your constituents, to express serious concerns and request clarification regarding Senate Bill 5653 and its potential consequences for communities throughout New Mexico.

I submit this correspondence in my individual capacity as an elected Town Councilor and constituent. The questions and concerns expressed herein are my own and do not represent an official position adopted by the Silver City Town Council.

I recognize the importance of improving federal permitting processes, particularly where unnecessary delays impede responsible infrastructure development. However, streamlining those processes must not come at the expense of meaningful public participation, environmental protections, Tribal sovereignty, or the authority of state and local governments to protect their communities.

My concerns are particularly relevant to southwestern New Mexico, where proposals for large-scale data-center development have prompted significant public discussion regarding water availability, electrical infrastructure, environmental impacts, and local land-use authority.

On October 27, 2026, the Silver City Town Council unanimously adopted Resolution 2026-29, establishing a temporary moratorium on the issuance of certain permits associated with data-center

development within Town limits. This action was intended to provide an opportunity to evaluate potential impacts and determine whether additional local regulations are necessary.

Against that background, I respectfully request your response to the following questions concerning S. 5653:

1. Local Government Authority and Federal Preemption

Would any provision of S. 5653 limit, supersede, or otherwise interfere with the authority of municipalities and counties to establish zoning restrictions, permitting requirements, or temporary moratoriums governing large-scale data centers and associated infrastructure?

Specifically, could federal permitting or transmission-siting provisions effectively override local decisions concerning infrastructure necessary to support such developments?

2. Public Participation and Judicial Review

What provisions would ensure that residents and affected communities retain meaningful opportunities to participate in environmental reviews and challenge federal permitting decisions?

I am particularly concerned about provisions that could shorten review periods, restrict judicial remedies, or allow construction to proceed while identified environmental deficiencies remain unresolved.

What safeguards would prevent irreversible environmental damage before legitimate legal challenges are fully resolved?

3. Clean Water Act Protections

How would the proposed changes to Section 401 of the Clean Water Act affect the authority of states and eligible Tribal governments to review federally permitted projects for compliance with water-quality requirements?

In an arid state such as New Mexico, where water resources are already under considerable pressure, any reduction in meaningful oversight deserves careful examination.

4. Tribal Consultation and Cultural Resources

How would S. 5653 affect consultation requirements under the National Historic Preservation Act and other applicable federal laws?

What specific protections would remain to ensure that Tribal nations can meaningfully participate in decisions affecting their lands, sacred sites, cultural resources, and sovereignty?

5. Endangered Species and Wildlife Protections

Would the legislation weaken existing consultation requirements, environmental assessments, or judicial remedies under the Endangered Species Act?

Of particular concern in southwestern New Mexico are species such as the Mexican gray wolf, Gila trout, and New Mexico meadow jumping mouse.

What safeguards would remain to ensure that accelerated permitting does not compromise the protection and recovery of threatened and endangered species?

6. Fossil-Fuel Infrastructure and Data-Center Development

Would the permitting reforms apply equally to renewable energy projects, fossil-fuel power plants, pipelines, and transmission infrastructure serving hyperscale data centers?

If so, what mechanisms would prevent expedited federal approvals from undermining environmental protections or limiting the ability of affected communities to address cumulative impacts?

7. Long-Term Consequences of Statutory Changes

Finally, I would appreciate clarification regarding whether S. 5653 would codify changes to environmental-review requirements in a manner that would restrict future administrations from restoring protections through agency rulemaking.

As one of the senators involved in advancing this bipartisan legislation, I would also welcome an explanation of the safeguards you believe justify these proposed changes and whether you anticipate supporting amendments to address concerns raised by local governments, Tribal nations, and environmental organizations.

Senator Heinrich, I believe responsible economic development and environmental stewardship are not mutually exclusive. However, efficiency should not be achieved by diminishing the ability of citizens and their elected representatives to participate in decisions that may permanently affect their communities.

As a municipal elected official, I take seriously my responsibility to protect the health, safety, welfare, and long-term interests of the residents I represent. I am therefore particularly concerned about any federal legislation that could diminish the effectiveness of local land-use decisions or weaken existing avenues for public accountability.

I respectfully request a substantive written response addressing these questions, including references to the applicable provisions of S. 5653.

Thank you for your attention to these concerns and for your service to the people of New Mexico.

Respectfully,

Angela M. Salaiz

Councilor, District 1

Town of Silver City, New Mexico