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FAX COVER SHEET

TO: Ms. Florence Davidson Fax Number: 505-476-3462
Commission Clerk Phone Number:
Energy, Minerals and Natural Resources Department

FROM: Pablo A. Martinez, NM LULAC State Director

DATE: March 24, 2009 Time: 6:10 pm

RE: CASE 14292 Application of the NM OCD

NO. of Pages including cover sheet 3

NOTES: For Immediate Review



League of United Latin American Citizens New Mexico State Office

Paul "Pablo" A. Martinez
NM State Director

March 24, 2009

Ms. Florene Davidson, Commission Clerk
Oil Conservation Division
Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Sante Fe, New Mexico 87505

RE: ***CASE 14292: Application of the NM OCD for Adoption of Amendments to Rule 19.15.17 (the "Pit Rule")***

Dear Ms. Davidson,

Please take this letter as notice of the strong opposition of the New Mexico State Office of the League of United Latin American Citizens (NM LULAC) to the adoption of the proposed rule amendments to the Pit Rule. NM LULAC views the proposed rule amendments as an unjustified relaxation of very important environmental safeguards and health protections for rural citizens of New Mexico. At a time of unprecedented wealth earned by both oil companies and royalty owners, NM LULAC sees no supportable reason to remove or relax the important protections that the relatively new Pit Rule has granted to surface owners, ranchers, farmers, rural workers and rural homeowners, many of whom are Hispanic. The people that earn their living from the land and live in rural New Mexico most often do not benefit like royalty owners and oil companies from oil and gas operations. This proposed rule change would further harm the environment and living conditions of many of the most vulnerable residents of New Mexico that LULAC strives to represent and protect. We are very much against these proposed amendments.

The worst proposal is subsection (g) that increases the chloride contamination 12 times beyond what is presently allowed! Chlorides, or salts, do not bio-remediate. Chlorides stay in the soil until water either takes it deeper into the ground or into runoff to streams and creeks. Rural residents and workers survive on groundwater wells. Our crops and livestock rely on groundwater and rainwater runoff. Allowing this dangerous waste to stay in thousands of locations in New Mexico, instead of safely disposed of at a limited number of permitted waste sites, is irresponsible at best and intentionally harmful at worst. NM LULAC opposes OCD's targeting rural residents and workers and our

P.O. Box 1324, Las Cruces, NM 88004

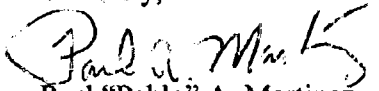
Phone Number: (505) 312-6327

environment to the convenience and economic benefit of a few wealthy operators and royalty owners.

NM LULAC has read the false claims of the oil and gas operators who threaten to "leave the state." Do they intend to somehow take the oil and gas in the ground with them? Oil and gas is a very important industry to New Mexico and grants many jobs and benefits to our citizens. NM LULAC supports the jobs that the industry creates, but not blindly. LULAC believes that the Pit Rule as it stands today protects both industry and the environment and rural residents. The New Mexico environment and rural residents and workers can only look to their state government for protection against those that take wealth from our lands and only leave behind their mess. NM LULAC strongly encourages the agency to trash these proposed rule changes, not trash our state.

Thank you for your attention to this most important matter.

Sincerely,



Paul "Pablo" A. Martinez
NM LULAC State Director

Cc: NM State Executive Board
Ms. Rosa Rosales, National LULAC President
Mr. Ray Mancera, National V.P. for the Southwest
Mr. Joey Cardenas, Texas LULAC State Director

**** The League of United Latin American Citizens (LULAC) is the oldest and largest Latino civil rights organization in the United States. Formed in Corpus Christi, Texas in 1929, LULAC strives to this day to advance the economic condition, educational attainment, political influence, health, and civil rights of Hispanic Americans through community-based programs operating at more than 700 LULAC councils nationwide.**