



Stephanie Garcia Richard
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Commissioner of Public Lands

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Via Certified Mail and Email

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Lt. Col. Patrick M. Stevens V
District Commander, Albuquerque District
United States Army Corps of Engineers
4101 Jefferson Plaza NE
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Re: Trespass on New Mexico State Trust Lands for Illegal Border Wall Construction

Gentlemen:

The New Mexico State Land Office recently has determined that one or more of your agencies, or your hired contractors, have repeatedly trespassed onto New Mexico state trust lands in the course of undertaking the Trump Administration's unlawful border wall construction project. I am writing to you today to ask that you direct your agencies and your hired contractors to immediately cease this trespass, promptly remove encroachments from state trust lands, and educate your staff and contractors to avoid future trespasses.

Your agencies, or your hired contractors, have wrongfully occupied New Mexico state trust lands in recent weeks in at least three locations in Luna County, New Mexico, placing steel beams on Lot 8/N2, Section 16, Township 29S, Range 08W, and stockpiling crushed rock on Lots 1-2 and 4, Section 16, Township 29S, Range 11W. Although my predecessor issued several rights-of-way to Customs and Border Protection for road access some years ago, some of those rights-of-way have now expired and in any event, the recent encroachments documented by State Land Office staff are far outside the lands encompassed by the rights-of-way. Your agencies, and your hired contractors, have no legal authorization to deposit materials on state trust lands, to commandeer state trust lands as staging areas, or to enter or utilize state trust lands for any other purpose related to border wall construction.

The harms that the federal government has inflicted through its dangerous wall-building program are extensive and well-documented. Federal agencies' ongoing violations continue to damage the United States' integrity in the eyes of our own people and abroad; hurt untold numbers of families coming to this country to escape persecution and violence; and have desecrated wild lands along the border, including lands recognized as sacred by tribal nations. Equally important, federal courts repeatedly have determined that the Trump administration's border wall construction is unlawful. *See Sierra Club v. Trump*, 977 F.3d 853 (9th Cir. 2020); *Washington v. Trump*, 441 F. Supp. 3d 1101 (W.D. Wash. 2020).

New Mexico state trust lands are not available for the outgoing administration's illegal and immoral misadventure. Accordingly, please remove these unlawful encroachments from New Mexico state trust lands and cease trespassing (or inviting third parties to trespass) on state trust lands immediately. I am also asking that you confirm you will notify your agencies and hired contractors to avoid trespassing on state trust lands in the future. The New Mexico State Land Office stands ready to take any and all legal action necessary to protect its lands from the Trump administration's continued law-breaking.

Sincerely,



Stephanie Garcia Richard
Commissioner of Public Lands