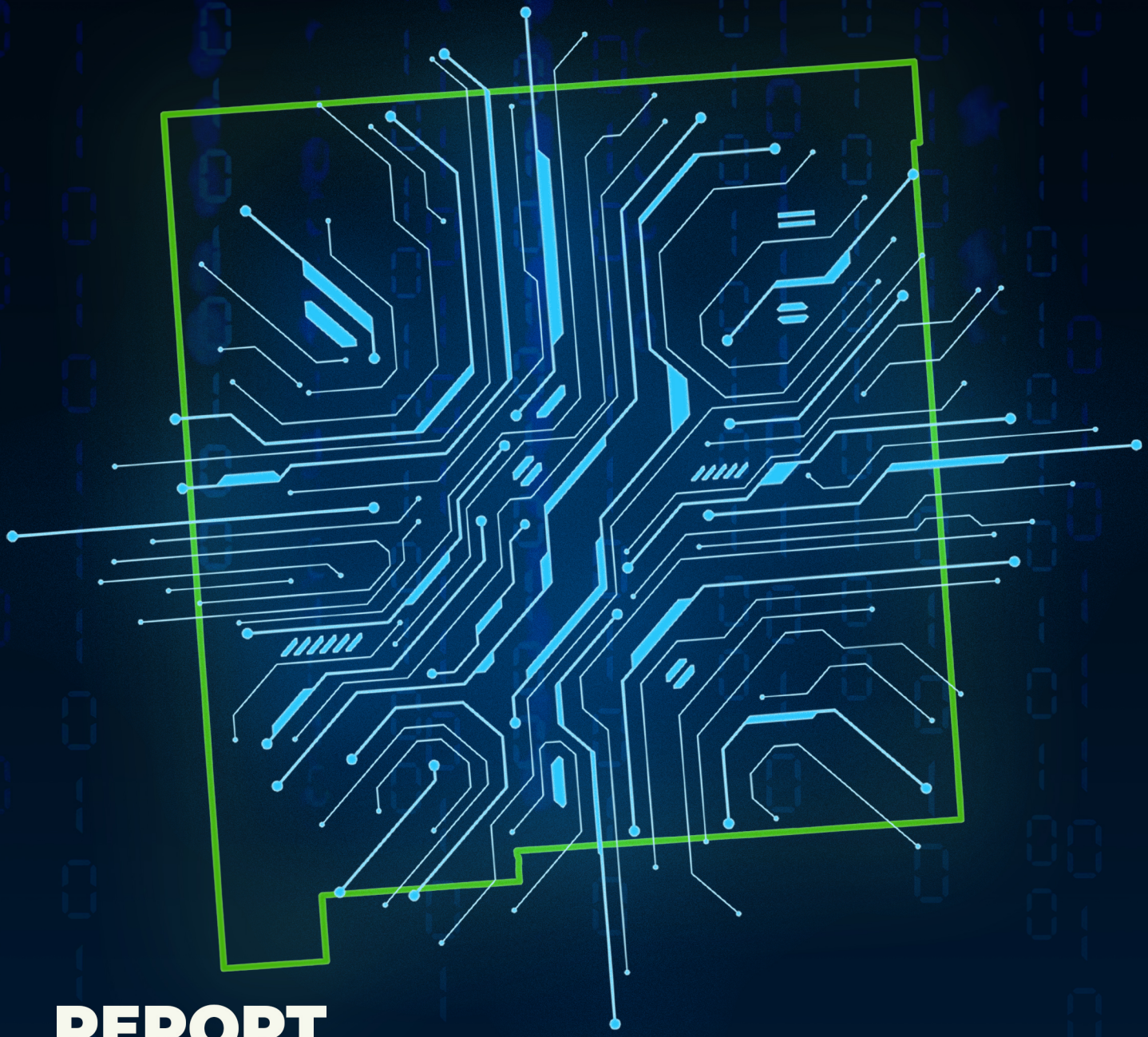


REPORT

THE HIDDEN COST OF AI: WHAT DATA CENTERS MEAN FOR NEW MEXICO

WATER, POWER, AND PROMISES: HOLDING TECH CORPORATIONS ACCOUNTABLE TO LOCAL COMMUNITIES

progressnow new mexico

Across New Mexico, massive new data centers are being built to power artificial intelligence (AI) and other data-intensive technologies.

The core questions facing New Mexicans are clear: Who benefits, who pays, and what are the tradeoffs?

Residents worry that large technology companies are acquiring prime New Mexico land and consuming enormous amounts of local resources while profits flow primarily to corporate headquarters in California, Virginia, and Texas.

Those concerns increased significantly in April 2026, when it emerged that Project Jupiter could use nearly 1 million gallons of water per day—almost 50 times more than they previously disclosed to the public and county officials. [1] While the number was later revised to be significantly less, this revelation has distressed both opponents and supporters of the project, with County Commissioner Manuel Sanchez, a supporter, stating: “It seems like it’s a moving target and we’re not being told what the real information is.” [2]

Data center development also reflects a deeper anxiety about what some residents describe as a pattern of “digital colonization”—out-of-state corporations extracting resources from New Mexico communities while wealth flows elsewhere.

As one lawmaker put it during an October 2025 legislative hearing: “Whenever you put the farmers and ranchers out of business, what are you going to do? Then folks get the data bytes and eat them. I hope everybody gets their bellies full.” [3]

This report aims to provide an overview of pending projects and spur conversation about what’s at stake. It also includes examples of policies state & local governments can leverage to seek community input, build trust, and make large scale economic projects more transparent.

$165 Billion

Largest proposed investment (Project Jupiter)

~10 Million Gallons

over 2 to 3 years, 960,000 gallons for starting up fuel cell technology, 167,000 gallons/year for maintenance

10 Million tons per year

potential green-house gas emissions from Project Jupiter

Sources: PNM (2025), Western Resource Advocates (2025)

Key Findings

Water Usage

Across the Interior West, new data centers are rapidly expanding water usage. Western Resource Advocates projects data center growth could add at least 427 acre-feet per year (138 million gallons) in new water demands by 2035 in the state. In the case of Project Jupiter, based in Doña Ana County, project developers initially stated the site would require 10 million gallons for initial fill-up and 7.2 million gallons annually for ongoing operations using a closed-loop cooling system. A later disclosure in April 2026 revealed the project could use 1 million gallons per day, or 358 million gallons per year, 50x more than stated. In June 2026, the company stated water usage would be significantly less. The new estimate appears to be scientifically accurate, however, no enforceable legal agreement has been released publicly that caps or revises down the previously estimated usage that was purchased from a local sod farm. Combined with other proposed data center projects, this highlights the need for statewide transparency requirements regarding water resources.

Electricity Cost

Large scale data centers typically rely on 3 options for power generation: fossil fuels (such as gas turbines), the existing electric grid, or renewable energy. The first two options are less expensive for corporations but come with major impacts for New Mexican families. For example, the developers behind Project Jupiter initially stated they would use gas turbines for power generation before pivoting to fuel cells (which use about 1/3rd less natural gas) after significant public outcry about potentially record breaking levels of pollution.

Additionally, PNM reported 4,197 megawatts of interconnection requests from large loads in February 2025, 87% attributed to data centers. This has driven PNM to project annual energy demands 12% higher in 2030 and peak demands up to 40% higher in 2035 than previously forecast. In Ohio, similar data center growth drove PJM capacity prices up more than tenfold, from $28.92 to $329.17 per megawatt-day, with data centers accounting for 63% of the price spike.

Pollution

Project Jupiter could emit over 10 million tons of greenhouse gases per year, based on their revised air quality permit application—more than Albuquerque and Las Cruces combined (6.7 million metric tons annually). Developers initially filed two air permit applications splitting emissions across two "microgrids" – with a combined 14 million tons of greenhouse gases annually – to avoid stricter monitoring requirements, but after 7,000+ public comments abandoned their plan to use gas turbines and switched to fuel cell technology, with a new air quality permit pending before the New Mexico Environment Department. Doña Ana County already receives an F grade for ozone from the American Lung Association and ranks 18th most polluted in the nation. Proposed projects in Lea County and Gallup have also raised community concerns about water use and pollution.

Jobs and Workers

Because our state and municipal governments lack a robust and transparent process for economic development, negotiations with developers, companies, and contractors are typically conducted in secret. This makes it difficult to confirm actual job numbers. In the case of Project Jupiter in Southern New Mexico, initial documents showed approximately 750 full-time jobs. Project Jupiter's website later promised "up to 1,500+ jobs onsite." But a March 2026 court filing from Oracle says the project will create "at least 800" direct operational jobs—a reduction of nearly 50% from public promises. Project owners have promised 4,000+ temporary construction jobs but permanent operations jobs remain uncertain. Developers behind the large-scale proposed project in Gallup have said 300 permanent jobs would come with that facility but have yet to release an agreement for public review. An additional concern is the use of out of state labor vs. using local and union labor; clarity on temporary jobs vs. permanent jobs, as well as establishing transparent project wages and working conditions ahead of time.

Tax Incentives

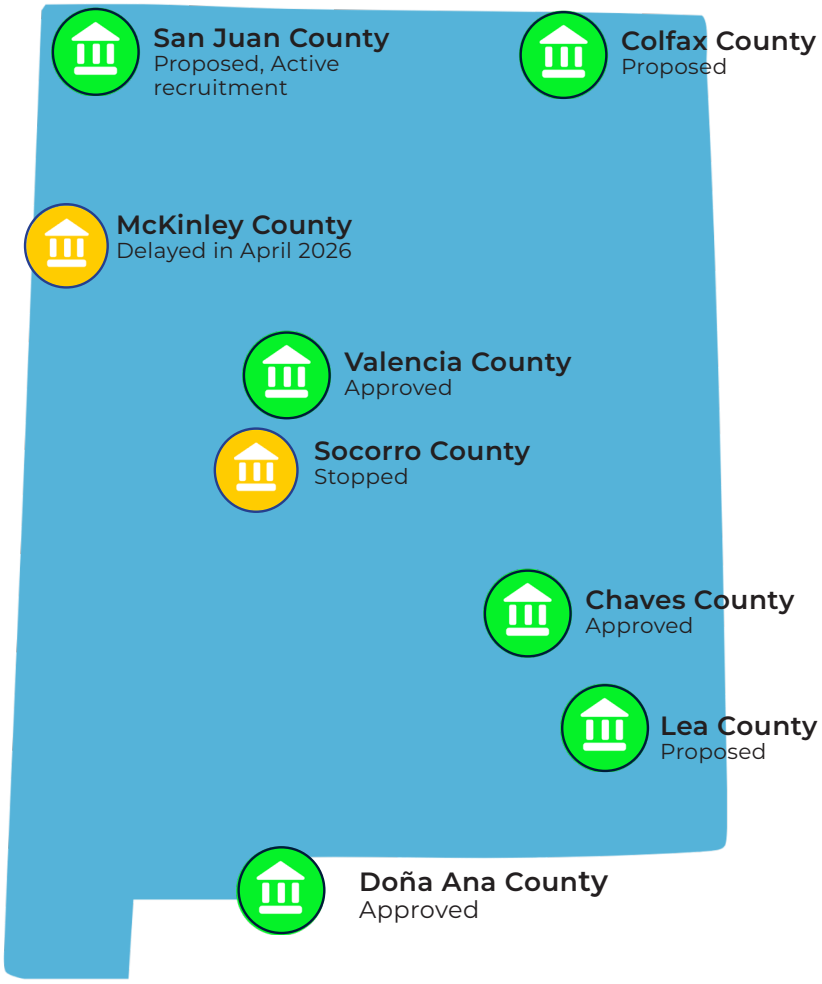
Doña Ana County approved $165 billion in Industrial Revenue Bonds (IRBs) [4] and a 30-year property tax abatement for Project Jupiter, offset by Payments in Lieu of Taxes (PILOT). In exchange, developers promise approximately $300 million in payments to the county over 30 years. After 30 years, company shareholders—not the county—would take ownership of the infrastructure. This structure is typical of large data center projects and New Mexico is considered a favored place for large corporations to use IRBs, where current revenue and taxes are exchanged for future potential profits.

Policy Solutions

Full Details on Page 32

- Require transparency in large scale economic development negotiations by setting “sunshine periods” and limiting or prohibiting non-disclosure agreements (NDAs) that cut out public input and discussion.
- Put in place statewide water and electricity disclosure rules requiring public reporting on total water consumption (potable and non-potable sources) and electricity consumption on both HVAC cooling and data processing components of a project.
- Close the microgrid loophole, ensuring that environmental safeguards are enforced on any large project and that New Mexico’s cap on emissions is not ignored via corporate legal maneuvers.
- Require power users over a certain threshold to provide their own clean power and comply with New Mexico’s clean energy law mandating net-zero emissions by 2045.
- Use bonding to hold money in escrow for local governments as a protection against project default or abandonment.
- Establish premium fees for electricity and power “super users” and re-invest the proceeds in local infrastructure.
- Put in place a statewide community benefits structure for all projects of $10 Million and above. This would provide transparency and accountability on all major economic development projects, including hyperscale data centers. This could be modeled on Bernalillo County’s recently approved “Community Benefits Rubric” with an added feature to safeguard energy costs for ratepayers.
- Finally, state leaders could choose to re-focus public dollars and tax incentives on generating union jobs through both public and public/private project investments in areas like roads and bridges, renewable energy, and energy efficient affordable housing, which would address the state’s worsening cycle of wildfires, floods, drought, and extreme heat.

Where Data Centers Are Being Built in New Mexico



Project Jupiter - OpenAI/Oracle: Southern New Mexico (Doña Ana County)

The $165 billion data center campus in Santa Teresa represents the largest proposed private investment in New Mexico history.

Key Details:

Location: Santa Teresa, Doña Ana County, near the Texas border

Developers: BorderPlex Digital Assets, Stack Infrastructure, Oracle, OpenAI

Investment: $165 billion over 30 years (including three equipment refreshes every 5-7 years)
Land: 1,000 to 1,200 acres
Electricity: Approximately one gigawatt of capacity (equal to 36% of El Paso Electric's entire system)
Tax Incentives: $165 billion in Industrial Revenue Bonds, 30-year property tax abatement offset by PILOT payments
Employment: Unclear, estimates have ranged from 750 to 1,500 operations jobs and 2,500 to 4,000 temporary construction jobs
Water: Unclear, after switching from gas to fuel cells for power generation, Oracle released additional information in June 2026, stating that a one-time fill up for closed loop cooling systems would require 10M gallons over 2-3 years and 960,000 gallons for starting up fuel cell technology along with 167,000 gallons/year for maintenance. There is no publicly available legal agreement capping or revising down the previously estimated 358M gallons/year usage purchased from a sod farm just west of Sunland Park.

Meta/Facebook: Los Lunas (Valencia County)

Meta has an existing facility in Los Lunas that state officials cite as a success story for population growth and tax revenue. The company is also building a separate data center in far Northeast El Paso that will require 100 megawatts of electricity capacity.

Key Details:

Location: Los Lunas, Valencia County, New Mexico
Developers: Meta Platforms (Facebook)
Investment: $3.3 billion total campus investment at completion
Land: 750 acres for main campus, 475 acres acquired late 2025 for expansion (total ~1,225 acres)
Electricity: 885 megawatts of contracted solar and wind capacity across six New Mexico counties, 100 megawatts of battery energy storage (2 BESS projects), 300 megawatts of geothermal capacity (150 MW each from XGS Energy and Sage Geosystems, operational by 2030), 2023 consumption: 1+ million megawatt-hours (equivalent to 90,000 American households)
Tax Incentives: June 2016: Village authorized up to $30 billion in Industrial Revenue Bonds (IRBs) | December 2024: Phase 3 approved additional $7.5 billion across six IRB series, 30-year property tax exemption through IRB mechanism, $10 million LEDA grant from State Economic Development Department (largest single LEDA award in state history at the time)

Gross receipts tax reimbursement: up to 75% of Village-level GRT, capped at $1.6 million/year
Community Payments: PILOT payments: $50,000/year (first building) scaling to $450,000/year at full buildout, $4.9 million+ in direct funding to Valencia County-area schools and nonprofits since 2019, $145 million+ in cumulative gross receipts tax collections attributable to campus since 2016
Employment: ~300 operations jobs, 1,100+ temporary construction jobs at a given time (*based on information reported by the company, however the job levels, salaries, full-time vs. part-time, etc. are not clear)
Water: 2023 consumption: 283 megaliters (~75 million gallons), Guaranteed allocation: 1.5 million gallons per day, expandable to 4.5 million gallons per day at full buildout
Approval:
Phase 1: Announced spring 2016, groundbreaking late 2016 (attended by Governor Susana Martinez and Mark Zuckerberg), first building opened February 2019
Phase 3: Los Lunas Village Council approved December 2024
Recent Expansion: Los Lunas Village Council approved March 2026 (project partnership with tax incentives)

Zenith Volts Corp: Roswell (Chaves County)

Key Details:

Location: 20 miles south of Roswell, Chaves County, New Mexico (near Lake Arthur, extending to Chaves/Eddy county border)
Developers: Zenith Volts Corp. (ZVC) — headquartered in Cheyenne, Wyoming; founded 2025
Investment: $6 billion estimated project cost (per Roswell Daily Record), $11.7 billion in capital investment (per Albuquerque Journal/ZVC statement) [5]
Land: 8,500 acres total site (grazing land), 300 acres for data center campus, 250 acres for battery energy storage system (BESS), 6,000+ acres for solar panel installation
Electricity: 1.24-1.25 gigawatts power capacity (1,265 MW solar facility), 18 gigawatt-hours battery energy storage capacity, Off-grid operation — not connected to Central Valley Electric Cooperative or public utility grid

Hybrid power solutions:
On-site solar (primary)
Natural gas generators (backup/dependable power)
Modular solar-thermal hybrid systems (24/7 thermal storage)
250-acre battery energy storage system
Geothermal cooling for optimal efficiency
Daytime energy demand: ~632 megawatts
Tax Incentives: None offered, per Chaves County Planning & Zoning Director Louis Jaramillo, special use permit required due to agricultural zoning
Community Payments: Project could generate "tens of millions of dollars" in local tax revenue for Chaves County and New Mexico over the next five years (per ZVC)
However, no PILOT agreement or specific and enforceable community payment structure disclosed
Employment: 140 operations jobs, up to 900 temporary construction jobs during development
Water: Geothermal cooling loops (reduced water consumption vs. evaporative cooling), however specific water consumption figures not disclosed
Approval: Chaves County Commission granted special use permit approval August 2025 | Vote: 4-1 (Commissioner Richard Taylor was the lone vote against)

New Era Energy: Caprock (Lea County)

Key Details:

Location: Lea County, New Mexico, near Caprock (approximately 45 minutes east of Roswell, on private land)
Developers: New Era Energy & Digital, Inc.
Investment: Not yet disclosed, this project will provide infrastructure to third-party AI operators, not just serve New Era's own operations.
Land: 3,500 acres, with a land option purchase agreement signed November 6, 2025, private land (not county or state-owned) [6]
Electricity:
7 gigawatts total planned capacity

2+ gigawatts natural gas-fired generation (gas availability confirmed)
5+ gigawatts nuclear installation (technology selection in final stages),
Off-grid/behind-the-meter power model planned, and proximity to major natural gas transmission lines and existing power infrastructure cited as key selection factors [7]

Tax Incentives: None disclosed at this stage
Lea County regulations (adopted February 2026) require any data center seeking Industrial Revenue Bonds or Payment In Lieu of Taxes incentives must establish payouts to benefit all school and hospital districts in the county
Company states it is “working closely with the State of New Mexico to align the project with state economic and environmental priorities”
Community Payments: None disclosed at this stage

Employment: Not specifically quantified — Company cites “high-tech job creation” as expected benefit

Water: Not disclosed at this stage
Lea County regulations (February 2026) require data centers to use closed-loop or other type cooling systems to avoid wasting potable drinking water sources
Oil and gas companies in New Mexico generate 2.5 billion barrels of produced water (fracking byproduct) annually, of which 98% is from Lea and Eddy counties, however regulations around this are currently being contested due to concerns about toxic chemicals in this form of wastewater. [8]

Approval: Land option announced on November 6, 2025, still in early development/planning phase, Lea County Manager Corey Needham has stated commissioners wouldn’t be involved until “much later stages” (as of November 2025)

Other Data Center Projects in New Mexico

McKinley County: In April 2026, Gallup City Council delayed the vote on an agreement for a proposed 330 acre data center that would use a mix of solar power and natural gas. [9]

Socorro County: Residents circulated a petition with 4,000 signatures after becoming aware of a large-scale project that developers behind it said would be "the largest one in the state" [10] and would rely on nuclear power generation via "small modular reactors." As a result of public feedback, county commissioners unanimously passed a 1-year moratorium on building data centers [11] and the project developer and New Mexico Tech then announced that they had decided not to pursue the development as of June 2026. [12]

Valencia County: Dozens of residents expressed concerns at a City of Rio Communities Planning and Zoning meeting in May 2026 after the commission proposed to add a definition for large scale data centers to their zoning process. Residents also stated that long-time oil and gas producer Harvey Yates was advertising land to potential data center developers via his company Jalapeño Corporation. [13]

San Juan County: No publicly confirmed project yet, however Farmington Mayor Nate Duckett and Four Corners Economic Development CEO Tim Gibbs confirmed in December 2025 that they are in conversation with potential project developers interested in using a mix of solar and natural gas for power generation. [14]

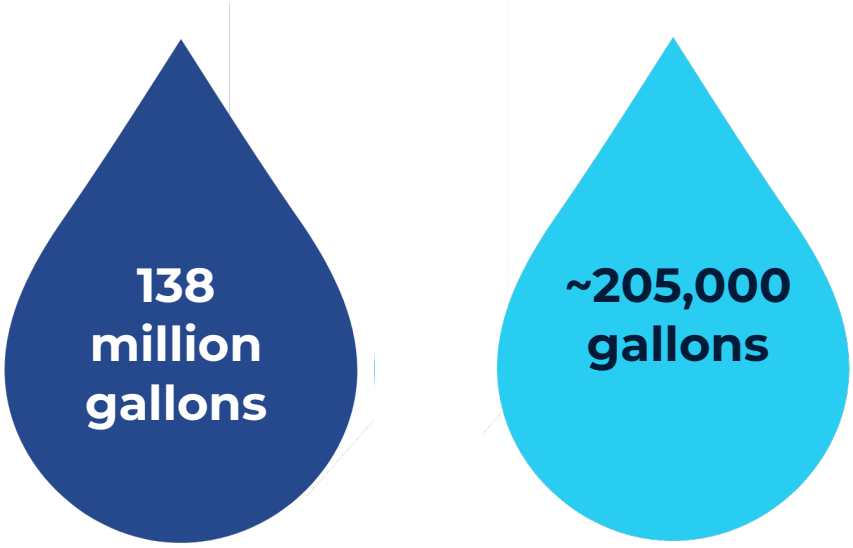
Colfax County: In February 2026, Raton City Commissioners signed an Memorandum of Understanding with a company called Atterix LLC for a data center feasibility study, prompting concerns from local residents. [15]While there is no information about the proposed size or scale of the project, it could potentially include a vacant K-mart building and the city agreed not to solicit competing proposals during the 6-month feasibility study. [16]

Water Usage: A Critical Resource in the Land of Enchantment

Data Center Water Demand

Data centers require enormous volumes of water to cool computer servers that run much hotter than desktop computers. While some facilities use air cooling (less water, more energy), water-cooled projects require significant ongoing water input.

Across the Interior West, if projections of data center load growth become reality, these new facilities could have an annual on-site water use of 21,600 acre-feet (7 billion gallons) in 2035. This amount of water can serve the annual needs of up to 194,400 individuals, according to an analysis by Western Resource Advocates. [17]



Projected statewide data center water demand by 2035

Daily water use by Meta Los Lunas in Valencia County

Projecting Water Demand

Using an estimate of the national average on-site water intensity of data centers and PNM's energy demand projections, Western Resource Advocates estimates the incremental new water demands associated with cooling data centers in New Mexico could be:

2030: 387 acre-feet per year
2035: 427 acre-feet per year (138 million gallons)

This is enough water to support up to 3,316 individuals annually—water that could otherwise serve New Mexico families, farmers, and ranchers in an arid state where water scarcity is a growing concern.

Comparing Key Projects: Water Usage by Facility

Facility	Location	Daily Water Use	Annual Water Use	Cooling System	Transparency
Meta Los Lunas	Valencia County	~205,000 gallons	75 million gallons	Closed-loop	High (publicly reported)
Zenith Volts Corp Roswell	Chaves County	Not disclosed	Not disclosed	Geothermal	Low
Project Jupiter	Doña Ana County	10M gallons over 2 to 3 years, 960,000 gallons for starting up fuel cel technology, 167,000 gallons per year for maintenance, however company still appears to have legal access to up to 1M gallons per day.	Unclear	Mixed (closed-loop + microgrid cooling)	Medium (disclosed after controversy)
New Era Energy	Lea County	Not disclosed	Not disclosed	Closed-loop required	Low

Regional Water Context

New Mexico is already facing what experts call “water bankruptcy”—the concept that a region has so depleted its water that some damage is irreversible on human timelines. The state is simultaneously:

- Negotiating a settlement with Texas over Rio Grande water that will require New Mexico to purchase and retire more than 18,000 acre-feet of water rights
- Allowing new industrial projects like Project Jupiter to use mass amounts of water
- Experiencing worsening drought conditions due to climate change

Project Jupiter Reveals Questions about Closed Loop Cooling and Potable vs. Non Potable Water

While proponents of projects often point to closed loop systems as an answer to water scarcity, the majority of tech companies currently self-report their usage in corporate reports and press releases, rather than peer reviewed research available to the public. [18]

It is common during a project proposal/approval period to state that protecting water is a priority, while also quietly negotiating for access to considerable water resources, as was the case with Project Jupiter in Doña Ana County. Without statewide transparency requirements, it is difficult to assess actual water usage.

For example, in April 2026, Project Jupiter developers confirmed they plan to use significantly more water than previously disclosed to the public and to county officials.

Previous Public Claims [19]**:**

- Daily operational use: 20,000 gallons average, 60,000 gallons maximum
- Water source: Closed-loop cooling system with one-time fill-up
- These figures were on Project Jupiter's website as of April 2026

April 2026 Disclosure:

- **Total water use:** Up to 1 million gallons per day (approximately 50x more than stated)
- **Potable water:** 20,000 gallons per day average (for employee use only)
- Non-potable water: Up to 980,000 gallons per day from nearby sod farm (Santa Teresa Capital) for microgrid cooling systems and fuel cell operations
- **Annual total:** Up to 358 million gallons per year

The "Potable" Loophole:

- Original agreement voted on (September 2025): 359 pages, NO word "potable"
- Final agreement (signed weeks later in secret): 1,583 pages, word "potable" ADDED
- This change allows developers to claim the 20,000-gallon limit applies only to drinking
- water while using unlimited non-potable water for cooling
- County officials believed the 20,000-gallon limit covered the FULL campus, including
- microgrids
- Developers told the Planning and Zoning Commission in October 2025 that the sod farm water line was "temporary"

The Pivot from Gas Generation to Fuel Cells

After the April disclosure, and significant public push back regarding pollution, Oracle switched from natural gas generation to fuel cell technology.

In June 2026, they released updated information and stated that a one-time fill up for closed loop cooling systems would require 10M gallons over 2 to 3 years and 960,000 gallons for starting up fuel cell technology along with 167,000 gallons/year for maintenance. [20]

However, residents and some local elected officials are still skeptical about the situation and no enforceable legal agreement has been released publicly that caps or revises down the previously estimated 358M gallons/year usage. [21]

Additionally, Project Jupiter is significantly bigger than any power generation site Bloom has created before – an estimated 33x times larger – and while the water use appears to be considerably less, there are also some questions about the life cycle and efficiency of fuel cell stacks and the potential need to re-fill water due to leaks and maintenance.

A Sign Of Things to Come?

Residents of Doña Ana County have repeatedly described frustration from years of living with low-quality drinking water supplied by Camino Real Regional Utility Authority (CRRUA) that contained unsafe levels of arsenic.

Bad drinking water there resulted from operator failures, mismanagement, and long-running underinvestment in water infrastructure, according to a New Mexico Environment Department report.[22] While water resources in other cities and towns may not face the specific level of mismanagement as customers of CRRUA, many of the same challenges and tradeoffs exist. That includes the risks of produced water (toxic oil and gas wastewater), which industry operators have long pushed to sell in the state despite agricultural and environmental concerns. [23]

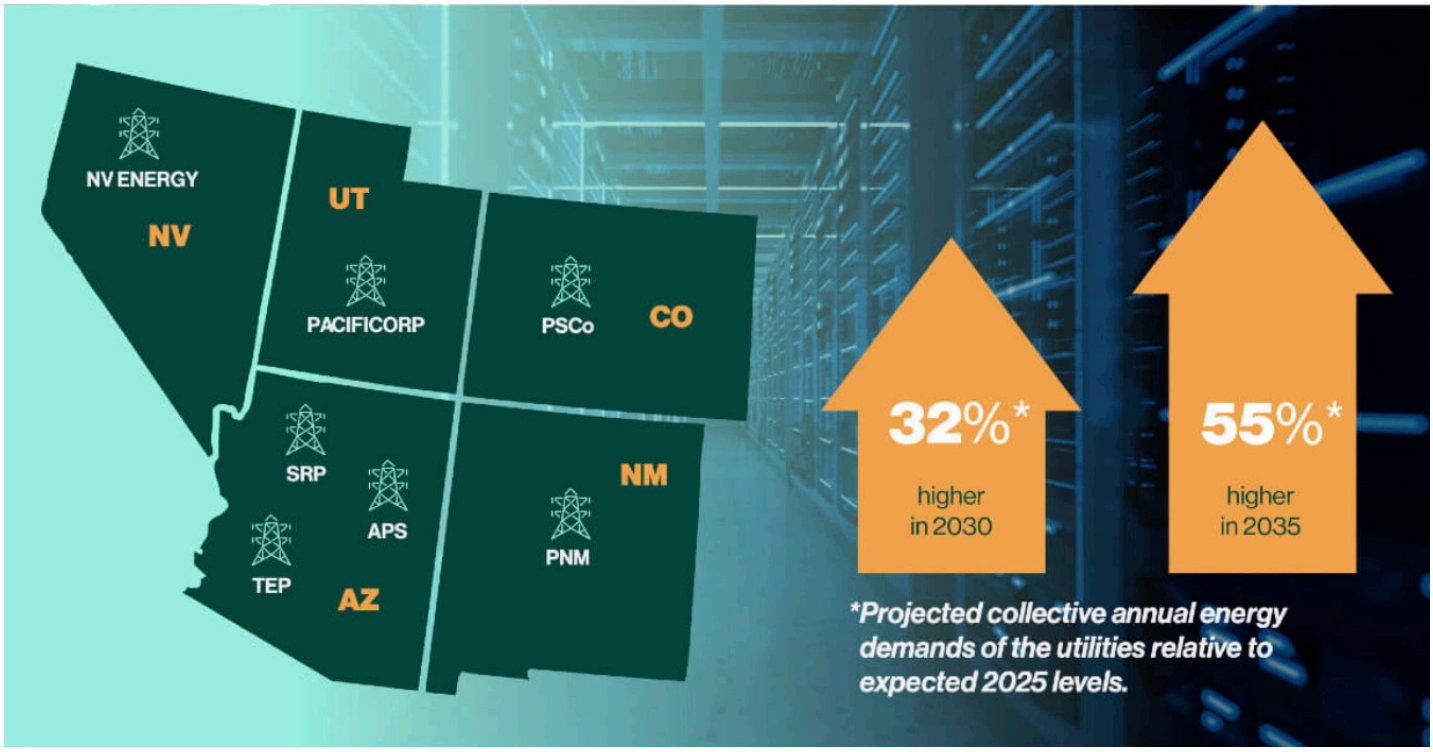
Additionally, while current NM Governor Michelle Lujan Grisham has championed both produced water and brackish (salt) water as a “strategic water supply” option, there are concerns about how drilling for brackish water would impact freshwater aquifers.[24]

Electricity Costs: Who Pays for the Power?

Data Center Electricity Demand

Data centers operate around the clock, running thousands of computer servers that process and store information. Unlike many industrial facilities that operate on fixed schedules, these servers must remain powered continuously to ensure digital services remain available.

Artificial intelligence computing has increased those power needs dramatically. Training and running AI systems requires large clusters of specialized chips that process enormous amounts of data at high speeds. As a result, a single large data center can consume as much electricity as tens of thousands of homes.



Source: Western Resource Advocates

12% HIGHER
Annual energy demand in 2030

40% HIGHER
Peak energy demand in 2035

Impact on New Mexico's Grid and Rates

PNM, New Mexico's largest utility, has already seen significant impacts from data center growth. In February 2025, PNM reported 4,197 megawatts of interconnection requests from large loads, 87% attributed to data centers. While not all these projects will materialize, they represent significant potential growth in electricity demand. [25]

As a result of this new load forecast, PNM states that it has an increased resource need in the 2028-2032 period and is proposing to acquire an additional 1,000 megawatts of carbon-free resources and 700 megawatts of other resources. Relative to PNM's 2023 Integrated Resource Plan, the utility now projects:

- Annual energy demands will be 11% higher in 2030 and 12% higher in 2035
- Peak demands will be 10% to 11% higher than previously forecast
- Under one model, peak demands would be almost 30% higher in 2030 and 40% higher in 2035

The Ohio Warning: What Happens When Data Centers Drive Up Prices

New Mexico can learn from Ohio's experience. In the PJM Interconnection, the regional electric grid operator serving Ohio and 12 other states, capacity prices surged from $28.92 per mega-watt-day in 2024-2025 to $329.17 just two years later—more than a tenfold increase driven largely by data center demand.

Data centers account for 63% of this price spike. This isn't just one factor among many. It's the dominant driver. For an average Ohio family, this translates to roughly $70 additional on their monthly electric bill by 2028 from data center-related electricity demand. [26]

The Cost-Shifting Problem

Electric utilities often state that new infrastructure (e.g. transmission, distribution, and generation) required to serve large loads is attributed to and paid for by those large scale customers, and that data centers entering a service area won't lead to higher bills for customers.

However, Harvard Law School electricity researchers found in a March 2025 paper that some U.S. utilities are "forcing the public to pay for infrastructure designed to supply a handful of exceedingly wealthy corporations." The authors noted: "Utilities tell (public utility commissions) what they want to hear: that the deals for Big Tech isolate data center energy costs from other ratepayers' bills and won't increase consumers' power prices. But verifying this claim is all but impossible." [27]

Even when data centers pay for the transmission lines needed to reach them, the sheer volume of electricity they demand can drive up the overall price of power for everyone on the grid. Additionally, even "behind the meter" power generation – where companies use on site generators – can drive up electric bills for customers, according to data from Bloomberg and Energy Innovation. [28]

Who Benefits?

Companies like PNM and El Paso Electric are incentivized to welcome data centers to their service territory. Data centers that run constantly are steady customers, allowing a utility to more easily predict revenue and cash flow.

Data centers are also likely to bring bigger profits for utilities because they can make money based on how much it spends on capital projects—physical, tangible things such as power plants, substations, or transmission wires. Those costs are often passed along to customers in the form of a rate hike and it is not always easy or even feasible to separate infrastructure usage.

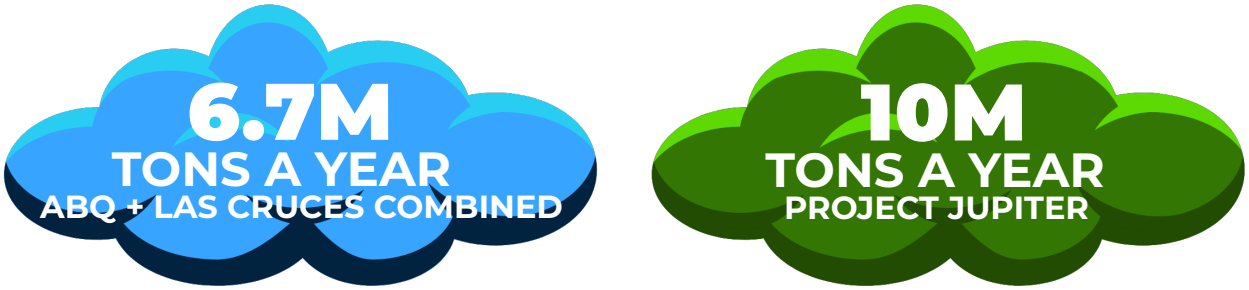
This raises a critical question for New Mexicans: should residents pay higher electricity bills to subsidize infrastructure that primarily benefits companies headquartered elsewhere, while those companies' profits flow out of state?

Pollution and Environmental Health

Doña Ana County's Existing Air Quality Crisis

In the case of Project Jupiter, data centers are making an existing problem worse. The American Lung Association has long given Doña Ana County a failing grade for ozone, which can cause asthma attacks, increased risk of respiratory infections, and even increased risk of premature death. [29] In the 2025 "State of the Air" report, the Las Cruces metro area was named the 18th most polluted in the nation for ozone pollution. [30] The Albuquerque and Santa Fe region ranked 22nd on the list of worst ozone pollution.

Doña Ana County received an F grade with 49 high ozone days and 11 days of high particle pollution. Project Jupiter would make this existing problem worse.



Air Quality Impacts

The developers behind Project Jupiter have asked state environment officials to sign off on a plan to emit more greenhouse gases than the state's two largest cities combined, and to generate as much electricity as the state's largest power company.

In their initial air quality permit application, developers split the project into two "microgrids" that used gas turbines forecast to emit more than 14 million tons of greenhouse gases per year. By comparison, Albuquerque and Las Cruces emit a combined 6.7 million metric tons of greenhouse gases annually, according to both cities' climate action plans. [31]

Environmental advocates identified the developers' proposal to split emissions across two permits for the same project as appearing to skirt state regulations, which classify projects with at least 250 tons per year of nitrogen oxides as "major sources" of hazardous air pollutants and subject them to arduous monitoring.

In April 2026, after immense public pressure and setbacks from both state and federal regulators, Project Jupiter developers then moved away from combined-cycle gas electricity production in favor of emerging fuel cell technology. While this system uses less resources it still relies heavily on fossil fuels for energy production and would produce 10 million tons of greenhouse gases per year. [32]

Gas Turbines, Nuclear Power, and the Microgrid Loophole

A microgrid is a self-reliant energy grid that doesn't need to draw power from a larger utility like PNM or El Paso Electric.

Project Jupiter's split microgrids had prompted concerns from residents and lawmakers that the data centers won't comply with the state's landmark clean energy law, which requires utilities to use 50% renewable energy by 2030, 80% by 2040, and 100% by 2045.

Additionally, gas turbines put out dirty air, soot, and hazardous chemicals like formaldehyde that can cause asthma, respiratory diseases, heart problems, and some cancers. [33] These emissions are particularly concerning for regions already struggling with air quality.

While Project Jupiter appears to no longer be using gas turbines, others are. For example, developers of the 330-acre Gallup based project confirmed a mix of solar power and natural gas for power generation. Developers behind the proposed project in Socorro County also floated the idea of using nuclear power, or what they call "small modular reactors," and labeling them as "green data development."

The Heat Island Effect: Increased Air Temperatures

A growing body of research also points to considerable increases in heat around data centers.

Researchers from the University of Cambridge looked at temperature data from 20 years of sensor data related to 6,000 data centers and found that temperatures went up by as much as 16 degrees. [34] They also noticed the increases weren't limited to the immediate area around a data center, but impacted areas as far as 6.2 miles away.

This is particularly concerning for New Mexico, which is already seeing a rise in heat related illnesses and deaths. [35]

Heat islands also reflect the reality of interconnected problems we face as New Mexicans. For example, higher temperatures reduce moisture and increase dry fuels that can supercharge a wildfire. When forests burn or die out, those ecosystems can struggle to maintain water resources. When water runs out, agriculture suffers. That can lead to reduced availability of vegetables, fruits, and other locally produced crops.

Environmental Justice Concerns

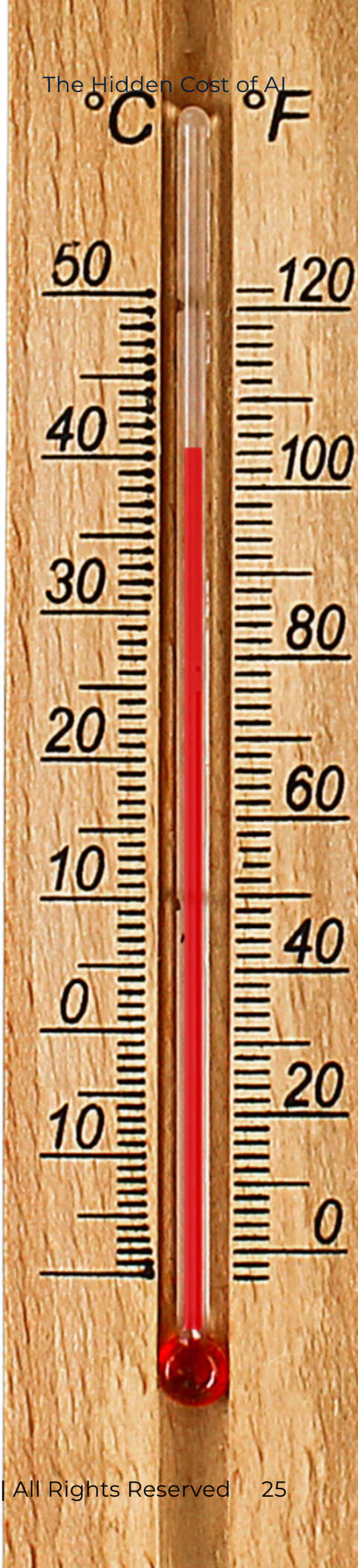
In early 2026, TV ads and mailers worth thousands of dollars from an entity called "Elevate New Mexico" started showing up in support of Project Jupiter. They predominantly feature Hispanic and Latino models, which New Mexico Environmental Law Center senior attorney

Maslyn Locke said reeks of environmental racism. The campaign frames the proposed development as a community asset while cash-rich tech giants seek to build in a relatively low-income community of color. [36]

“It’s very much a brownwashing campaign,” Locke said. “You have these out-of-state companies coming in, naming their companies things like Red Chile Ventures, Green Chile Ventures, Yucca, Acoma and then sending around this mailer with a woman of color on it… to make this feel like a homegrown, widely supported thing.”

On April 23, 2026, the NM State Ethics Commission sued Elevate New Mexico, noting that “Elevate refuses to register and to disclose any information related to its expenditures and contributions for its advertising campaign for the purpose of lobbying [NM Environment Department] Secretary Kenney.”

During May and June 2026, TV ads with similar messaging and creative content to the Elevate campaign began running, but this time were identified as coming from Oracle.[37]



Impact on Jobs and Workers

The Changing Job Numbers

Job figures for Project Jupiter provide a good example of how commitments can shift or be redefined, raising questions about the reliability of developer promises.

Initial figures from September 2025: Documents before Doña Ana County commissioners projected approximately 750 full-time jobs with salaries of $75,000 to $100,000. One document with a “draft” watermark said “approximately” 700 full-time employees would work at the development by Dec. 31, 2031.

The MOU between the county and Project Jupiter ensured “a minimum of 750 new full-time equivalent jobs and 50 part-time jobs within three years of commencing operation.”

Website promises from March 2026: Project Jupiter's website updated to promise "more than 4,000+ construction jobs and up to 1,500+ jobs onsite or in the County once construction is complete." The anonymous Elevate New Mexico advertising campaign promised "thousands of high-paying careers."

Court filing from March 2026: A motion to intervene filed by Oracle in litigation related to Project Jupiter says the project is anticipated to create "at least 800" direct operational jobs after construction ends—an apparent reduction of nearly 50% from the 1,500 figure advertised publicly. The filing also mentions 2,500 construction jobs and an unspecified number of "indirect jobs through increased customers for local businesses." [38]

Outside Workers vs. Local Hiring

A major concern for New Mexico communities is whether data center jobs will go to local residents or workers brought in from outside the state. The Elevate New Mexico mailers promised "thousands of high-paying careers, prioritizing Doña Ana residents," but there are no enforceable local hiring requirements in the current agreement.

This contrasts with the approach taken in Bernalillo County's Community Benefits Rubric. The legislation, which was supported by Power Up BernCo – a coalition of worker and environmental organizations – passed in April 2026. [39]

That model scores projects on a variety of community metrics, including on local hiring commitments. For example, the greater the number of local hires, the more points awarded to applicants, which in turn affects the level of public subsidy or other public development incentives. [40]

- 1 point: 50% baseline local hires
- 3 points: Commitment to at least 60% local hires
- 5 points: Commitment to at least 80% local hires

Without enforceable commitments, there is no guarantee that New Mexicans will benefit from the jobs created. This undermines the widely accepted value of keeping families tightly knit geographically across generations.

Jobs & Workers: Which Number Is Real?

Job numbers for Project Jupiter have changed repeatedly

750
INITIAL DOCUMENTS

1,500+
WEBSITE PROMISE

800
COURT FILING

Nearly 50% fewer jobs than publicly advertised.

The Real Cost Per Job

In Ohio, Policy Matters Ohio calculated that 13 state tax exemption agreements cost the state $281.9 million in lost revenue while generating just 356 jobs—or nearly $1 million per job. [41]

For Project Jupiter, Doña Ana County approved $165 billion in bonds and a 30-year property tax abatement. Developers promise approximately $300 million in payments to the county over 30 years. If the project creates 800 permanent jobs (per Oracle's court filing), that's a massive subsidy per job—money that could fund schools, healthcare, infrastructure, or other community priorities instead.

Secret Negotiations

Perhaps most concerning is how these deals are negotiated. Doña Ana County commissioners voted on Project Jupiter in September 2025 after a process that critics say excluded meaningful community input. A lawsuit filed by residents and a local nonprofit accused commissioners of voting on an incomplete application and violating the state's Open Meetings Act when they "abruptly" paused a heated September meeting and met behind closed doors.

Ohio, which has begun addressing this problem, provides an example for New Mexico's leaders to consider. Ohio House Bill 695 would prohibit local elected officials from signing nondisclosure agreements that restrict their ability to publicly discuss matters related to their official duties, including data center projects. The bill prevents confidentiality agreements that keep the public in the dark. New Mexico needs similar transparency requirements to ensure communities can access information about how their government is operating. [42]

Tax Incentives and Corporate Subsidies

Project Jupiter's Tax Deal

Doña Ana County approved the following incentives for Project Jupiter in September 2025 [43]:

- **$165 billion in Industrial Revenue Bonds:** This breaks down into $15 billion for a data
- center, with the rest for equipment and infrastructure over 30 years
- **30-year property tax abatement:** Offset by Payments in Lieu of Taxes (PILOT)
- Community payments: Approx. $300 million to Doña Ana County over 30 years
- **Ownership:** After 30 years, company shareholders—not the county—would take ownership of the infrastructure

The National Pattern: Costs Explode Beyond Estimates

Across the country, states are reconsidering tax breaks offered to attract data centers because of gaps between the initial promises and reality once projects are in process.

As Innovation Ohio noted in a March 2026 report, the overall costs to states can turn out to be much higher than project developers claim. [44]

Virginia: The state's sales tax exemption on data center equipment started at just $1.5 million annually. In 2025, the cost was an eye-popping $1.6 billion—more than 1,000 times the original estimate.

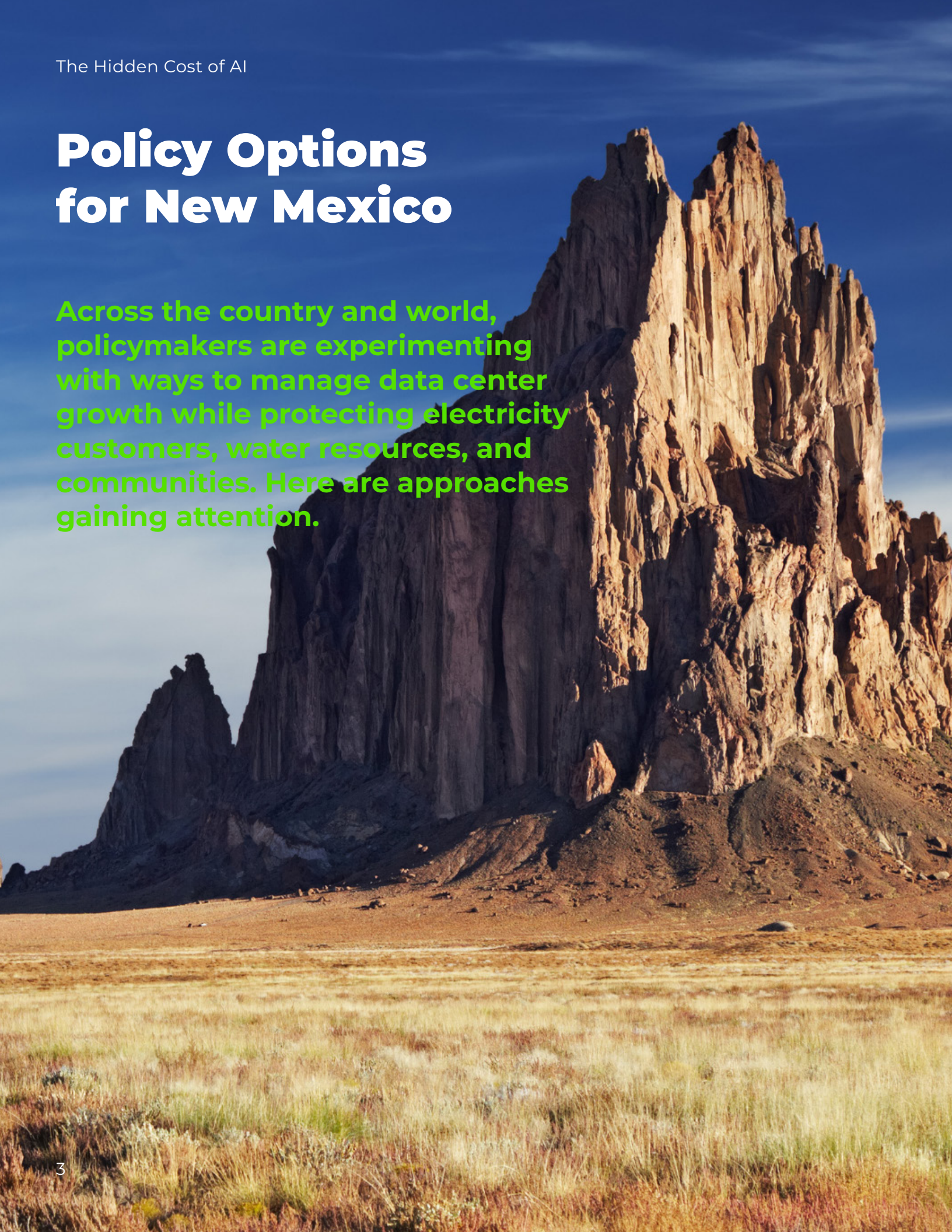
Georgia: Exemptions jumped from $10 million in 2020 to $625 million in 2026.

Ohio: A tax exemption created in 2011 with minimal expected impact cost the state $140 million annually by fiscal year 2025—a roughly 3,000% increase from its inception. Amazon's initial 2014 deal was estimated to cost Ohio $77 million in uncollected revenue, but with data center expansions, it ended up costing far more.

Ohio's experience reveals a critical problem: tax incentives are often approved based on optimistic projections that never materialize. Policy Matters Ohio calculated that 13 state tax exemption agreements cost $281.9 million in lost revenue while generating just 356 jobs.

Policy Options for New Mexico

Across the country and world, policymakers are experimenting with ways to manage data center growth while protecting electricity customers, water resources, and communities. Here are approaches gaining attention.



1. Put In Place Transparency Requirements

Ohio's House Bill 695 provides a potential path forward. It would prohibit local elected officials from signing nondisclosure agreements that restrict their ability to publicly discuss matters related to their official duties, including data center projects. The bill prevents confidentiality agreements that keep the public in the dark. [45]

An additional transparency measure – which the Ohio bill does not include – would be to explicitly prevent data centers from claiming their resource consumption (water and power usage) is proprietary information exempt from public disclosure.

Recommendation:

- Enact transparency legislation that:
  - Prohibits or limits NDAs restricting public officials from discussing data center projects
  - Requires disclosure of who is funding advocacy campaigns related to data centers as well as who is funding newly formed LLCs (this would address transparency issues related to complex corporate structures and business formation, which are currently tracked manually via organizations like the AI Now Institute) [46]
  - Creates definitions and guardrails for large quantity water users based on average daily use [47]
  - Mandates tracking and public disclosure of water and electricity consumption, for example, the EU has a mandatory reporting program [48] and federal agencies including Sandia Labs and the Department of Energy have previously reported on energy use through programs like Energy Star
  - Ensures public hearings and a "sunshine period" for all major economic development projects modeled on the Pima County, AZ [49] model and building on learnings from Project Jupiter negotiations, which were rushed through with only 3 weeks available for community input. Similar dynamics took place in Chaves County with the Zenith Volts Corp. and occurred recently with proposed projects in Socorro County and McKinley County.

2. Close the Microgrid Loophole and Require Data Centers to Bring Their Own Clean Power

In Connecticut, Governor Ned Lamont recently signaled the state may require large data centers to generate their own power through onsite facilities rather than rely on the public grid. [50] At the federal level, Senator Richard Blumenthal has introduced the GRID Act, which takes a similar approach by requiring data centers with significant power demands to source power outside the public grid. [51]

The reasoning behind this approach is simple: if a company wants to use enormous amounts of electricity, they should build the power plants to supply it themselves, not expect the public grid (and ratepayers) to do it for them. This approach puts the burden on data centers to solve their own power problem rather than passing it on to the public grid.

While the investors behind data center projects in New Mexico have variously attempted to describe gas turbines, fuel cells, nuclear reactors, and microgrids as a net positive for the state, New Mexico's clean energy law requires net-zero emissions by 2045. Closing the microgrid loophole could also be accompanied by requirements that data centers as unique power users comply with state standards and ensure clean energy use.

Recommendation: Close the microgrid loophole so that projects are evaluated based on their total pollution and energy consumption, not individual microgrids. Additionally, require projects over a certain size threshold to generate their own clean power to meet state law and demonstrate that they will not impact ratepayer bills.

3. Use Bonding and Premium Fees For "Super Users" To Ensure Local Governments Are Made Whole

Local leaders could consider categorizing large economic development projects as "super users" and put in place additional guardrails such as project bonding for promises of jobs.

Recommendation:
Establish premium fees and taxes for "super users" based on power and water consumption. For example, by taxing electricity use with no exemptions and increasing the daily rate during energy emergencies such as a heatwave, local and regional governments could reinvest in infrastructure to address impacts of extreme heat and drought. [52] Require up front bonding for promised jobs, so that if a project is later abandoned, there is money available for local communities to invest in residents e.g. calculating job wages x number of jobs over a 10 year period and setting aside money in escrow.

4. Community Benefits Agreements (Statewide Structure)

Bernalillo County created a Community Benefits Rubric that incentivizes commitments that benefit the community in a variety of areas. The level of tax breaks or public subsidies are tied to enforceable commitments that benefit the community—not just shareholders. [53]

The rubric scores projects in five categories:

Workers (up to 25 points):

- Local hiring: 50% baseline (1 pt), 60% (3 pts), 80% (5 pts)
- Hiring collaboration with unions and community groups
- Registered apprenticeships: 10% (1 pt), 15% (3 pts), 25% (5 pts)
- Training and education funding for New Mexico institutions
- Worker health and safety commitments
- Livable wages, health insurance, retirement plans

Small Business Support (up to 15 points):

- Procurement from New Mexico businesses: 10% (3 pts), 20% (5 pts)
- Women and minority-owned business procurement
- In-state small business support funding

Environment/Sustainability (up to 25 points):

- Water use and wastewater treatment commitments
- Air quality monitoring and community engagement
- Solid waste reduction and Zero Waste programs
- Energy: renewable power and Net Zero facilities score highest
- Reclamation and restoration plans

Community Engagement and Investment (up to 35 points):

- Outreach: town halls, community meetings, advisory panels
- Tribal engagement: annual consultations and proactive planning
- Support for nonprofits and community development organizations
- Affordable housing contributions
- Quality of life infrastructure

Scoring determines benefits:
0-50 total points: 0 to 50% of requested abatement recommended; 16-20% PILOT
51-80 total points: 51-80% of requested abatement; 10-15% PILOT

81-100 total points: 81-100% of requested abatement; 5-9% PILOT

The better a company scores, the more tax benefits they can receive. The worse they score, the less they get—or nothing at all.

Recommendation: Enact a statewide Community Benefits Agreement structure with learnings from Bernalillo County's model, incentivizing projects over a certain size e.g. $10M (including data centers) – seeking tax incentives to make enforceable commitments of benefit to the community.

5. Reduce or Eliminate Tax Incentives and Re-focus Economic Development Dollars

Multiple states are reconsidering tax breaks offered to data centers because costs have exploded far beyond original estimates. Virginia, Georgia, and Ohio have all seen policymakers attempt to roll back or eliminate data center tax exemptions.

Recommendation:

Eliminate or significantly reduce tax exemptions for data center equipment
Tie any remaining incentives to Community Benefits Agreement scores
Re-focus public dollars and tax incentives on generating union jobs through both public and public/private project investments in areas like roads and bridges, renewable energy, and energy efficient affordable housing, in order to address the state's worsening cycle of wildfires, floods, drought, and extreme heat.

Conclusion

Modern data center facilities consume enormous amounts of electricity and water, placing new pressure on our state's resources in exchange for the promise of jobs.

So far, these projects have largely been negotiated in secret with little to no community input to balance tradeoffs such as water use, tax breaks, temporary construction jobs vs. permanent operations roles, and extreme pollution of our land, air, and water.

Living in a desert, water use provides a particularly good reminder of what's needed going forward. Generations of New Mexicans have found ways to adapt to our arid landscape. We've built acequias, cultivated drought-resistant crops, and created communities that thrive in the high desert.

But these changes have come from listening to each other, from transparency, and from making hard decisions together.

What happens next with these massive projects – and whether we will give away our future without a meaningful discussion about what's at stake – is an open question.

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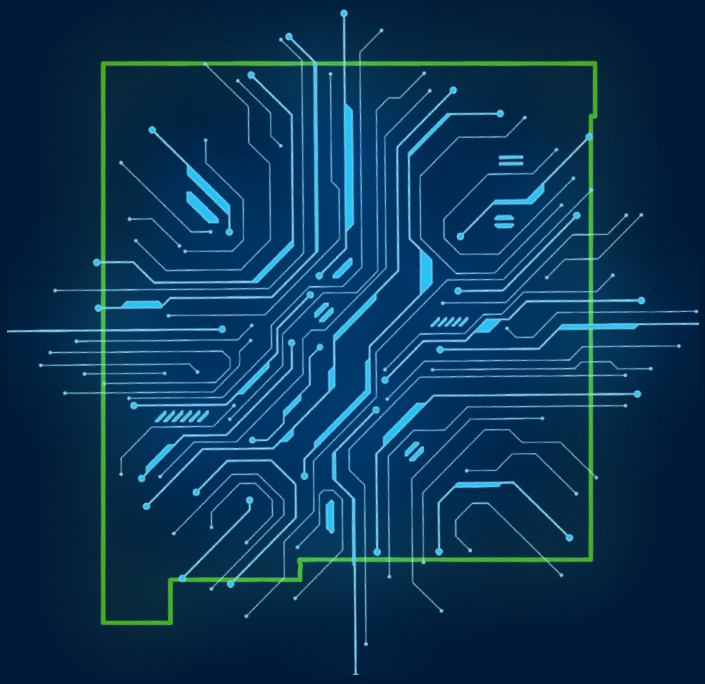

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