

New Mexico **WILD!**

The Newsletter of the New Mexico Wilderness Alliance

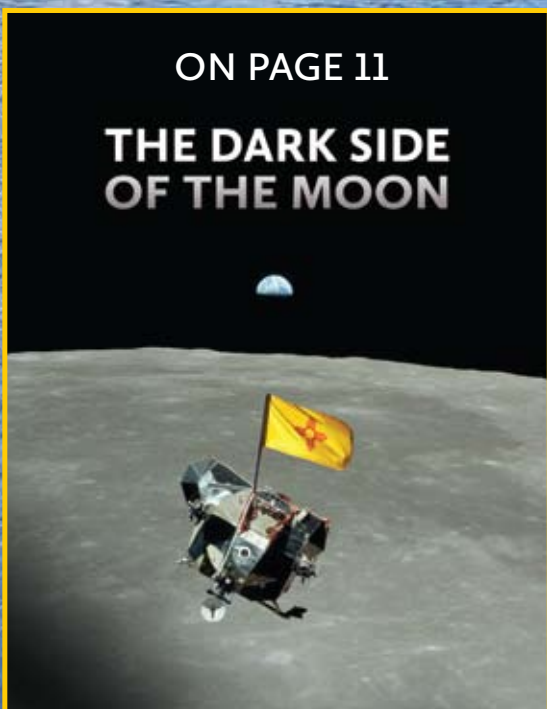
Special Mobile GIS Issue

Now Available: Wild Guide 2011

ON PAGE 3

ON PAGE 11

THE DARK SIDE OF THE MOON



New Mexico
Wilderness Alliance

www.nmwild.org

Volume 8, Number 1—Winter 2011

Water

THE STAFF OF LIFE IN NEW MEXICO

By Eric Jantz

It's been years since I moved west from the southeastern United States. I remember looking out the train window as the landscape of western Kansas, southeastern Colorado, and northern New Mexico unfolded. I was awed by the seemingly endless land and sky, the way the mountains seemed to explode out of the plains, the thousand shades of red and orange in the canyons. As the train crossed the border from Colorado to New Mexico, it occurred to me that the one thing that I hadn't seen was water. In the East, it's impossible to go more than a few miles without seeing some significant body of water—a lake, a stream, a river. But as we descended through the Raton Pass, I realized it'd been hours since I'd seen any water. Other than a few stock ponds, I couldn't recall seeing any water at all since Iowa.

In the years since I've moved here, I've come to appreciate on a very fundamental level what water means to westerners. It's not only a part of the physical geography, but also a basic part of the West's soul. It's the one element that defines how—and even whether—we live.

Clean water is scarcer than ever before. Economic and settlement policies over the last century have encouraged water consumption as if it were an infinite resource. It's not. Global climate change is causing water resources to diminish. Contamination threats from mining, oil and gas development, and other industrial projects loom large. Although as a society we've gained an enormous amount of information suggesting that our policies of the past are jeopardizing future generations' clean water supplies, we haven't gained the wisdom to act accordingly. This is particularly true with the new political landscape in New Mexico, where powerful industrial interests and their supporters have staked out a position that favors short-term economic gains for corporate interests over the long-term future of our water resources. The following are some of the potential threats to New Mexico's water over the next few years.

The Oil and Gas Pit Rule

Prior to 2007, when oil and gas companies drilled a well and produced oil and gas, they were allowed to bury their wastes in a hole in the ground, known in the industry as a "pit." Pits are scattered across the landscape and contain a toxic brew of chemicals like benzene, toluene, xylene, arsenic, and other substances that cause cancers, genetic defects, and hormone disruption. Since these wastes were buried in unlined holes, not surprisingly, there have been hundreds of documented instances of groundwater contamination from pits.

In 2008, the New Mexico Oil

Conservation Commission passed one of the most protective rules governing the disposal of oil and gas waste in the country after more than a year of gathering input about the public health, environmental, and economic impacts of the proposed rule from the oil and gas industry, farmers and ranchers, environmental groups, and concerned citizens. The Commission also spent weeks hearing technical evidence about how oil and gas wastes have caused widespread groundwater and surface water contamination.

Since the Commission passed the Pit Rule, there has been an almost

constant barrage of attacks against it. The first came just nine months after the Pit Rule was passed. In a backroom deal, Governor Richardson and industry representatives directed oil and gas regulators to repeal key standards of the Pit Rule. Ostensibly, the repeal was to alleviate an alleged economic burden on the oil and gas industry. But in the ensuing administrative hearing, neither the oil and gas industry nor state regulators produced a single piece of evidence that the new rules were having any negative economic impact, despite nine months of operating history. The resulting partial repeal means that oil and gas operators can bury waste with extremely high chloride (salt) concentrations almost anywhere.

The newly elected governor has made clear that, irrespective of whether there is any evidence that the Pit Rule has resulted in any economic harm, it is her priority to repeal the Pit Rule. This promise was made during her campaign, despite data showing that since the Pit Rule was passed, there has not been a single incident of groundwater contamination from oil and gas drilling wastes. Although the governor has recently attempted to repeal newly passed regulations by fiat, if she wants to repeal the Pit Rule, she'll either have to get the legislature to enact legislation or go through another rulemaking process. Either way, the public has the right to be involved and influence the processes.

Uranium Mining

Historic uranium mining and milling in New Mexico has left thousands of square miles and tens of millions of gallons of groundwater and surface water contaminated with radioactive waste and heavy metals. Even though communities impacted by uranium have for years expressed concern over the contamination from past uranium mining and milling, there has been shockingly little research done on the extent of the contamination and its effects on human health and natural resources. Both government and

continued on page 22



STEPHEN CAPRA

Water: The Staff of Life in New Mexico

continued from page 19

the mining industry have been very reluctant to explore the extent and effects of contamination.

What research has been done is largely the result of community efforts. For example, investigation by community members near the village of Milan, New Mexico, revealed that the defunct Homestake uranium mill, which is now a Superfund site, is responsible for contaminating five aquifers with a contamination plume that affects approximately nine square miles in and near their neighborhoods. Recent health studies, also the result of community efforts, have demonstrated that living in proximity of abandoned uranium mines is associated with a wide array of negative health effects including kidney disease, lung and breast cancers, and birth defects. This community-based research can help inform decisions about how to clean up pollution from historic uranium mining and milling.

Despite being saddled with decades' worth of toxic contamination, uranium-impacted communities in New Mexico continue to struggle against plans for new uranium mining. One particularly insidious new threat is called in situ leach or ISL uranium mining. ISL mining is popular with uranium mining companies because of its low cost and because its contamination is not obvious.

The ISL process extracts uranium from ore deposits located in aquifers. In its natural state, uranium in aquifers is immobile. Groundwater that is as close as several feet to a uranium deposit may be drinkable. In ISL mining, however, chemicals that react with the uranium are

injected into a uranium-bearing aquifer, mobilizing the uranium and other toxic heavy metals, thereby making the uranium easier to extract through a series of wells. The chemical reaction that mobilizes the uranium also changes the geochemical properties of the aquifer, allowing contamination to spread over significant areas. As a result, what were isolated pockets of poor-quality water in an otherwise good-quality aquifer are purposely expanded to contaminate large portions of the aquifer so that uranium can be extracted and sold. After all the economically available uranium has been extracted, the mining company is supposed to restore groundwater to its premining quality.

Because ISL operations don't involve much surface disturbance compared with conventional underground and open-pit uranium mines, the mining industry touts the technology as "environmentally benign." In the history of ISL uranium mining, however, not a single operation has been able to restore groundwater to premining quality. While ISL may be cheaper for uranium mining companies, it results in widespread groundwater contamination for communities.

Despite the dismal environmental and public health record of ISL (and conventional mining), state and local governments in New Mexico continue to promote uranium mining as an economic development strategy. County and local governments in McKinley County continue to support a proposed ISL mine in the Navajo communities of Crownpoint and Church Rock that will contaminate enormous portions of those

communities' sole drinking water aquifer. Cibola County has hired a lobbyist to promote uranium mining projects—including the proposed Roca Honda underground mine on the northwestern flanks of Mt. Taylor—to state and federal legislators. Governor Martinez's nominee for Secretary of the Energy, Minerals and Natural Resources Department—the agency responsible for regulating uranium mining—is on record as saying that "regulatory bottlenecks" standing in the way of nuclear power development should be removed and that restricting economic development on public lands in the West violates the US Constitution's equal protection clause. Meanwhile, federal regulators complain that they can't prevent uranium mining on public lands because their hands are tied by the 1872 Mining Act.

As with any struggle, efforts to protect New Mexico's water will require public engagement. Small groups of community members and a few nonprofit organizations have held the line so far. In the face of significant renewed threats to our water, a much larger public effort is required. Only then can we be assured that the next folks rolling into New Mexico on the train will see uncontaminated rivers and streams and healthy communities. ➤

Eric Jantz is a staff attorney at the New Mexico Environmental Law Center, a nonprofit environmental law firm specializing in representing low-income communities and communities of color in environmental disputes. The NMELC's website is www.nmelc.org.

Join the Challenge—



Conservation and the

environment receive just 2% of charitable giving in America. Put simply, conservation is not as well supported as it must be to ensure our future quality of life.

Preservation of our public lands to maintain the health of our forests, land, wildlife and water costs a fraction of what we will sacrifice if we neglect our responsibilities. Conservation has one of the highest returns on investment of charitable work. It preserves our ability to sustain our population while protecting the majesty of our natural world.

Earth Friends Conservation Fund has generously provided a challenge grant to New Mexico Wilderness Alliance to leverage your investment in conservation. Please help to shift the balance in favor of conservation by giving to New

Mexico Wilderness Alliance today! All donations received before June 1, 2011 will be counted toward the Earth Friends Challenge.

There are many ways to support our work. Beyond direct donations and annual membership dues the following are also ways to give:

Bequests

Include New Mexico Wilderness Alliance in your will and create a wilderness legacy for future generations. You can make a bequest to New Mexico Wilderness Alliance as a percentage of your total estate, as a specific dollar amount, or as a remainder of your estate after all other bequests have been made. We urge you to consult with your attorney or tax advisor when making an estate provision and we invite you to also share your estate plans with us so that we can recognize your intentions. You may contact our Development Director, Tisha Broska at 505-843-8696 ext. 102 for more information.

Tax-Free Giving from your IRA

On December 17, 2010, President Obama signed the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of

2010, which includes an extension of the IRA Charitable Rollover. The extension allows individuals 70½ and older to donate up to \$100,000 from your traditional or Roth IRA to qualified charities, such as the New Mexico Wilderness Alliance, without incurring income tax on the withdrawal. This special opportunity lasts through December 2011 and is retroactive to January 1, 2010.

To support the New Mexico Wilderness Alliance by making a gift using the IRA Charitable Rollover Provision, please call your IRA plan administrator to arrange for a direct transfer to New Mexico Wilderness Alliance and call Roxanne, our Finance Manager, at 505-843-8696 ext. 103.

Donation of Securities

Support New Mexico Wilderness Alliance's work and save on capital-gains taxes by making a gift of securities. Stock gifts can be transferred directly to our broker. Please contact us if you'd like to make a donation of stock and we will provide you with our account information. Upon completion of the transfer, a receipt and acknowledgment will be sent. For questions concerning the transfer of stock,

please contact Roxanne at 505-843-8696 ext. 103.

Memorial Gifts

To arrange a tribute in honor of someone special or remember a lost loved one with a memorial gift, please contact us and we will be happy to assist you. We will send an acknowledgment of your gift to the recipient or family members, if you so desire.

Monthly Giving Program

Join the Friends of Wilderness Monthly Giving Club. Becoming a monthly donor is easy, efficient, flexible and rewarding. Please contact Trisha London for help setting up your monthly giving account at 505-843-8696 ext. 0 or set up recurring gifts online at www.nmwild.org/membership. ➤

