

# New Mexico Environmental Law Center

*2009 Annual Report*



*To our supporters,*

We at the New Mexico Environmental Law Center are fortunate to fill a very unique niche in New Mexico: our attorneys provide the highest-quality legal representation to communities facing difficult environmental problems. And imagine the relief that our clients must feel when we tell them that our services will cost them nothing, or very little.

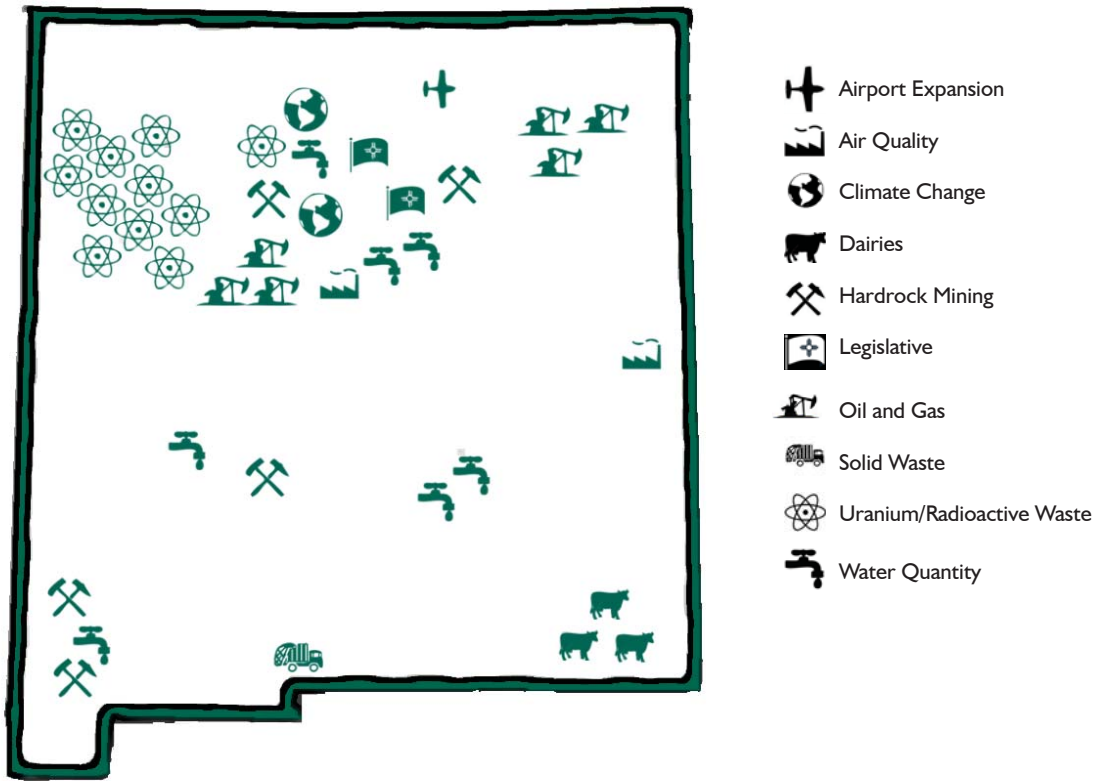
And we are extremely fortunate as well to have your help. With your support, in 2009 the Law Center represented communities in 46 cases -- **twice as many cases** as we handled in 2008. And while we worked with a small number of amazing people in every corner of our state, I can say that much of the work that we do affects all New Mexicans. On a daily basis, our staff works to protect groundwater from contamination by mines, dairies or oil wells; clear our skies of noxious chemicals; and protect the diverse cultures that make our state so special, to name a few of our efforts.

Undoubtedly, 2010 will be full of challenges as we continue to take on the biggest issues facing New Mexico's environment. But with your help, the Law Center will continue to be a true force for environmental health and justice in New Mexico.

*Thank you again,*

A handwritten signature in blue ink that reads "Doug". The signature is stylized and fluid.

Douglas Meiklejohn, Executive Director



## 2009 at a glance:

- » We received 60 substantive requests for assistance from communities throughout New Mexico. Law Center Attorneys represented clients in 47 major cases.
- » The Law Center accepted 18 new cases and closed 12 cases.
- » Our 2009 caseload jumped 100% over our 2008 caseload.
- » In more than 75% of our cases, we represented clients from low-income communities.
- » Our attorneys worked on 7 state-wide initiatives, spanning climate change, clean air, hardrock mining, and oil and gas drilling.

Cover photos, top left, clockwise: San Augustin water grab client Ray Pittman; Monticello farmer/client Joshua Cravens; Church Rock residents watch a presentation at the former United Nuclear millsite during the 30th commemoration of a radioactive tailings spill, photo by Cole Merrick; New Mexico landscape © johndeboard | dreamstime.com; Navajo nation Joe Shirley, Jr. affirms Navajo Nation ban on uranium mining. Photos on facing page, from left: © johndeboard | dreamstime.com; Douglas Meiklejohn; © katzil-iness | dreamstime.com

# we crusade for *water*

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90% of New Mexicans rely on groundwater for their drinking water. That's why more than three-quarters of the Law Center's work is spent protecting water from threats such as in situ leach uranium mining -- which intentionally contaminates aquifers with uranium.

In recent years, threats to water quality have shared the stage with threats to quantity. In 2009, we continued our work to defeat the biggest water grab in New Mexico's history. We are also working to limit New Mexico's greenhouse gas emissions to combat climate change -- a problem that poses a tremendous threat to the security of the Southwest's water supplies.

From top left, clockwise: Staff Attorney Bruce Frederick discusses the San Augustin water grab with two Catron County residents at a public meeting in Datil in May '09; marchers mark the 30th anniversary of the United Nuclear tailings spill -- the nation's largest accidental release of radioactivity -- on July 16, 2009 in the Navajo community of Church Rock [by Cole Merrick]; Law Center Public Education Associate Juana Colon and intern Cole Merrick on a field trip with client Ray Pittman in Datil; client Joshua Cravens, whose organic farm is threatened by a proposed beryllium mine near the headwaters of Alamosa Creek, near Monticello, NM; the sign at the Crownpoint municipal well, which is located 1/2 mile from a proposed uranium mine.





## OIL AND GAS

On the heels of our success in obtaining a strong oil and gas ordinance in Santa Fe County in 2008, we worked with other communities in northern New Mexico to adopt environmentally-protective ordinances, and to defend existing statewide regulations. We:

- » Helped residents in Mora County **stop Shell Oil** from gutting Mora County's land use regulations.
- » Worked with clients in Mora County and San Miguel County to **adopt strong ordinances** that will protect human health and the environment for generations.
- » Assisted Rio Arriba County in drafting oil and gas regulations that will help to **protect the Chama watershed** and other areas in the eastern half of the county.

In 2008, the Law Center successfully advocated for the nation's most environmentally-protective Pit Rule, which governs how oil and gas drilling wastes are managed and disposed. Since its adoption, the Pit Rule has been under **constant attack from the oil and gas industry**.

In 2009, we:

- » Appealed the State's politically-motivated rollback of the Pit Rule's chloride standard, on the grounds that an agency cannot

reduce the standard without presenting compelling evidence for the change.

- » Adapted a 'model lease contract' for landowners in New Mexico who cannot afford to hire attorneys to help them negotiate with energy companies who own the mineral rights under their properties.



## WATER GRABS

What would you do with over 17 billion gallons of water every year? Italian millionaire Bruno Modena would wait and sell it to the highest bidder -- and set a terrible precedent in New Mexico for water speculation in the process.

- » We represent more than 70 people in Catron and Socorro Counties, and one conservation coalition in Grant County, in the proceedings concerning Modena's proposed appropriation.
- » In another case, we negotiated for the Office of the State Engineer to study the hydrology of the Rio Bonito, in Lincoln County, before it allows a water transfer for a resort.

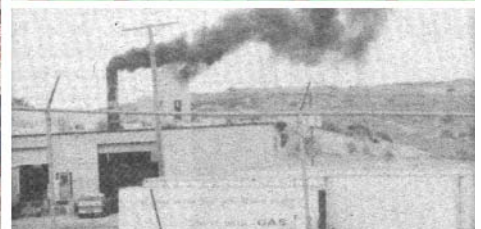
# we fight for *justice for all*

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Everyone deserves clean air, water, land, and the right to be listened to by their government — not just those who can afford it.

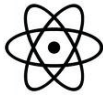
75% of our clients live in low-income communities, where residents cannot afford private attorneys or hefty lobbying fees. But with the help of the New Mexico Environmental Law Center, our clients are able to take on some of the world's biggest corporations and most complex regulatory agencies -- and we often win.

From top left, clockwise: The Gavilon Grains facility in Clovis, NM; a Navajo woman in Church Rock, NM [by Ossy Werner]; Students Against Uranium Mining; the Nu-Mex medical waste incinerator in Sunland Park, which was a subject of the Law Center's first environmental justice case in 1990 [by Valerie Taliman]; a protest of Hydro Resources, Inc. in Gallup, NM - sponsored by the Multicultural Alliance for a Safe Environment (a Law Center client.) [by Nadine Padilla]



*“The Law Center was there when no one else would help us.”*

Isabel Santos, Concerned Citizens of Sunland Park



## URANIUM MINING

Are we in the midst of a nuclear renaissance, or merely sitting upon a speculator-driven nuclear bubble? Time will tell, but for now we are facing a record number of requests to fight uranium mining that threatens drinking water supplies, human health, and sacred sites.

What we do know is that no *in situ* leach uranium mine has ever been successfully cleaned up (unless you count the times that Texas and Wyoming lowered their reclamation standards so that they could declare mined aquifers reclaimed.) And we know that the Nuclear Regulatory Commission relaxed its licensing process because it anticipated a flood of applications for new mining. We must stop this problem now, before another generation of uranium contamination devastates the Interior West.

- » We won, on behalf of the Haaku Water Office of Acoma Pueblo, **important environmental protections** during exploratory drilling for uranium on Mount Taylor, a sacred site. The protections set a precedent for other uranium exploration in New Mexico.
- » We began our work to oppose the Mount Taylor Mine in state and federal proceedings. The Mount Taylor Mine, owned by General Atomics, would be the **largest underground uranium mine** in the U.S. if it is reopened.

- » We began our work to oppose the Roca Honda mine, which marks the **first time that a company has sought a mining permit for a uranium mine** in New Mexico under the NM Mining Act of 1993.
- » For the first time in its history, the Law Center is working on local cases outside of New Mexico: **three proposed uranium mines in Wyoming, and one in South Dakota.** The Law Center brings its nationally-recognized expertise in fighting the Nuclear Regulatory Commission to the table, where we are resisting the first attempts by that agency to use its newly relaxed mine licensing process. What happens in Wyoming and South Dakota will affect communities -- particularly indigenous communities -- in New Mexico for decades to come.

*did you know?*

**New Mexico has 341 million pounds of uranium in the ground -- the nation's second largest recoverable reserves, behind Wyoming.**

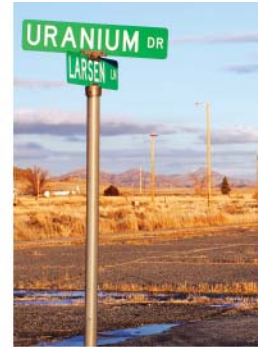
US Energy Information Administration, based on \$50/lb.

# we hold polluters' feet *to the fire*

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We know that big industries can be good stewards of the environment -- but often they aren't. That's why the Law Center's attorneys were hard at work in 2009 going after some of our state's worst polluters [and would-be polluters].

Clockwise, from top left: *Coal Power Plant Chimney* © Danicek | Dreamstime.com; *Uranium Drive* © Alpraum | Dreamstime.com; according to the NM Dept. of Health, a rise in ozone by 20 parts per billion in San Juan County corresponded with an increase in emergency room visits for respiratory emergencies by 34%. When will uranium mining's boom once again turn into a bust? An excavator digs an oil pit. A sign outside the San Juan Generating Station in Waterflow, NM; an unshown part of the sign reads, "WAKE UP you bunch of NUTS. We ALL live DOWNSTREAM."



*"The Law Center is the most important environmental organization in New Mexico today. It has credibility with communities and with the Legislature, and it takes on the right issues."*

--State Representative Antonio Lujan, Las Cruces



## CLIMATE CHANGE

Could New Mexico become one of America's leaders on climate change? We think it can, and we are working to make that happen.

- » Despite the best efforts of New Mexico's biggest utilities and trade groups, including PNM, El Paso Electric, and the NM Mining Assn., **we helped persuade** the NM Environmental Improvement Board that it has the authority to regulate greenhouse gases as air pollutants.
- » We also succeeded in convincing the Board to hear our petition, which outlines a plan for reducing New Mexico's carbon emissions. The hearing on that petition will be held beginning in June 2010.



## HARDROCK MINING

The Law Center has worked on every major hardrock mining permit since it helped pass the New Mexico Mining Act in 1993.

- » BE Resources wants to **explore for beryllium near the headwaters** of Alamosa Creek. We represent members of the Monticello Ditch Association who depend on the water from the creek for their small-scale farms and ranches; the creek is also home to two threatened species. We participated in a public hearing in 2009, and are awaiting an outcome.

- » We continued to be involved in settlement negotiations with Freeport McMoRan concerning its reclamation at the Tyrone copper mine near Silver City -- the 5th largest open pit mine in the U.S.

### *did you know?*

With 355,000 cows, New Mexico is the nation's 7th largest producer of dairy products. All those cows produce approximately 2.2 billion gallons of manure a year -- enough to fill 44 million average-sized bathtubs.



## DAIRIES

Dairies have become a major threat to groundwater in southern New Mexico.

- » We are advocating that the State adopt dairy-specific groundwater regulations that will truly protect our state's aquifers.
- » We represent families in southeastern NM who are fighting two of our state's biggest dairies because those dairies are polluting groundwater.

# financials *July 1, 2008 - December 31, 2009*

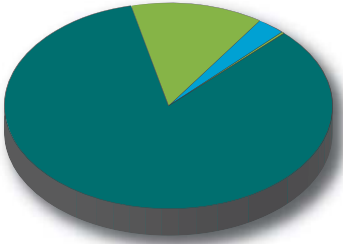
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The New Mexico Environmental Law Center moved the start date of its fiscal year from July 1 to January 1 in 2010, primarily so that we can better comply with request from funders for calendar-year budgets. fy09 covers July 1, 2008 - June 30, 2009; fy09-B covers July 1, 2009 - December 31, 2009.

	<b>fy-09</b>	<b>fy09-B</b>
<b>ASSETS</b>		(unaudited)
Cash and cash equivalents	\$605,121	\$968,313
Time deposits	115,000	50,000
Investments	20,257	0
Accounts receivable	235	32,971
Contributions & grants receivable	211,667	30,000
Prepaid expenses	2,163	2,163
Property & equipment, net of accumulated depreciation	<u>4,907</u>	<u>5,916</u>
<b>Total Assets</b>	<b>\$959.350</b>	<b>\$1,089,363</b>
 <b>LIABILITIES AND NET ASSETS</b>		
Liabilities		
Accounts payable	3,036	\$6,183
Accrued expenses	654	704
Accrued Leave	<u>36,761</u>	<u>25,500</u>
<b>Total Liabilities</b>	<b><u>40,451</u></b>	<b><u>32,388</u></b>
 Net Assets:		
Unrestricted		
Undesignated	781,947	916,573
Designated Karl Souder Award	9,958	9,880
Temporarily Restricted	<u>126,994</u>	<u>130,522</u>
<b>Total Net Assets</b>	<b><u>918,899</u></b>	<b><u>1,056,976</u></b>
 <b>Total Liabilities and Net Assets</b>	 <b>\$959,350</b>	 <b>\$1,089,363</b>

# revenue and expense *breakdown*

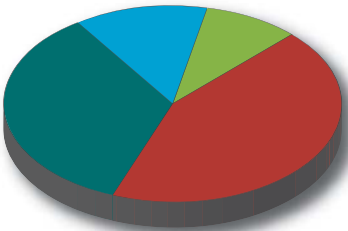
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## fy09 Revenue

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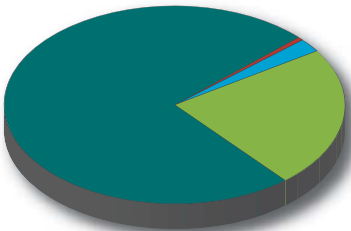
- 82.8 % Foundations
- 12.8 % Individuals/Events
- 2.8 % Fees & cost Reimbursements
- .2 % Other



## fy09 Expenses

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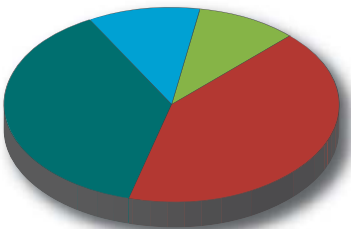
- 43.4 % Native American Community Representation Program
- 34.7 % General Community Representation Program
- 13.0 % Development
- 8.9 % Administration



## fy09-B Revenue

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- 74.3 % Foundations
- 22.8 % Individuals/Events
- 2.2 % Fees & cost Reimbursements
- .67 % Other



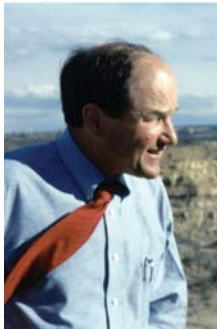
## fy09-B Expenses

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- 41.9 % Native American Community Representation Program
- 37.7 % General Community Representation Program
- 10.7 % Development
- 9.7 % Administration

# staff and board

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Clockwise from top left: Eric Jantz, Sebia Hawkins, Bruce Frederick, Juana Colón, Shelbie Knox, Douglas Meiklejohn, Jon Block, Yana Merrill  
*Photos of Yana and Shelbie by Don Usner; photo of Bruce by Cole Merrick*

- » **Arizona Water Settlements Act** - analyze impact on Gila River [Gila River watershed]
- » **American Cement transfer facility** - appeal air quality permit [Albuquerque]
- » **BER beryllium mine** - oppose exploratory mining permit [Monticello]
- » **Consolidated Environmental Review Act** - advocate for state NEPA-type law [statewide]
- » **Crownpoint Uranium Project** - oppose Hydro Resources' proposed uranium mines [Crownpoint-Church Rock area]
- » **Dewey Burdock proposed uranium mine** - oppose license application to Nuclear Regulatory Commission [Custer Co. and Fall River Co., South Dakota]
- » **Freeport McMoRan Tyrone copper mine** - participate in settlement negotiations regarding reclamation [Grant Co.]
- » **Freeport McMoRan Chino copper mine** - finalize reclamation plan [Grant Co.]\*
- » **Galisteo Basin Oil and Gas drilling** - oppose permitting of Tecton Energy wells [Santa Fe County]\*
- » **Gavilon Grains grain facility** - assist residents with air quality issues [Clovis]\*
- » **Haaku Water Office government-to-government consultations** - represent tribal agency in uranium proceedings [Acoma Pueblo]
- » **Homestake uranium mill** - represent residents in groundwater discharge permit proceedings [Milan]
- » **High Lonesome and Rockview dairies** - participate in proceedings before the Office of the State Engineer [Knowles]
- » **High Lonesome and Rockview dairies** - participate in groundwater discharge permit proceedings [Knowles]
- » **Los Alamos National Laboratory Radioactive Liquid Waste Treatment Facility** - participate in pending groundwater discharge permit proceedings [Los Alamos]
- » **Los Alamos National Laboratory** - advise clients on Hazardous Waste Act permit comments [Los Alamos]\*
- » **Lost Creek proposed uranium mine** - oppose federal license [Sweetwater County, Wyoming]
- » **Moore Ranch proposed uranium mine** - oppose federal license [Campbell County, Wyoming]
- » **Mora County oil and gas** - advocate for good environmental protections from oil and gas drilling [Mora County]
- » **Mount Taylor Mine** - fight proposed uranium mine groundwater discharge permit [Mount Taylor, Cibola Co.]
- » **Mount Taylor Mine** - participate in U.S. Forest Service Plan of Operations proceeding [Mount Taylor]
- » **New Mexico Clean Cars Standards** - filed an amicus brief supporting the standards to the NM Supreme Court\*
- » **New Mexico groundwater discharge regulations for dairies** - advocate for strong protections [statewide]
- » **New Mexico Mining and Minerals Division exploratory mining permit regulation amendments** - advocate for strong protections [statewide]\*
- » **New Mexico greenhouse gas emission limits** - advocate for scientifically-based standards [statewide]
- » **New Mexico model surface owners' oil and gas contract** - draft language [statewide]
- » **New Mexico Pit Rule** - oppose industry appeal to NM District Court [statewide]
- » **NM Pit Rule** - oppose rollbacks [statewide]\*
- » **NM Pit Rule** - appeal Oil Conservation Commission's rollbacks to NM Court of Appeals [statewide]
- » **Nichols Ranch proposed uranium mine** - oppose federal license [Campbell Co. and Johnson Co., Wyoming]
- » **Nuclear Regulatory Commission's proposed Generic Environmental Impact Statement** - oppose adoption [national]\*
- » **Nuclear Regulatory Commission's proposed Regulatory Issue Summary** for pre-license construction at uranium mines - analyze and submit comments [national]
- » **Ortiz Mountains gold mine** - oversee reclamation progress [Santa Fe County]
- » **Rio Arriba County Oil and Gas Ordinance** - review and comment [Rio Arriba County]\*
- » **Rio Bonito water transfer between Capitan and Riudoso** - oppose speculative water transfer [Lincoln County]
- » **Rio Bonito water transfer application by Hideout golf course** - mitigate transfer [Lincoln County]\*
- » **Roca Honda proposed uranium mine** - oppose mining permit application [Mount Taylor]
- » **Roca Honda proposed uranium mine** - oppose groundwater discharge permit application [Mount Taylor]
- » **Roca Honda proposed uranium mine** - oppose U.S. Forest Service Plan of Operations proceeding [Mount Taylor]
- » **San Augustin Ranch water rights application** - oppose appropriation [San Augustin Plains]
- » **Santa Fe County Sustainable Land Development Code** - review and comment [Santa Fe County]\*
- » **Taos Regional Airport expansion** - prevent or mitigate expansion [Taos]
- » **Waste Connections proposed landfill** - participate in solid waste permit proceeding [Chaparral]

\*Cases closed in 2009. Please see [www.nmelc.org](http://www.nmelc.org) for more detailed case descriptions.

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The mission of the New Mexico Environmental Law Center is to protect New Mexico's natural environment and achieve environmental justice for New Mexico's communities through legal representation, policy advocacy and public education.

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1405 Luisa Street, Ste. #5, Santa Fe, NM 87505  
505.989.9022 telephone | 505.989.3769 facsimile  
nmelc@nmelc.org | www.nmelc.org