

# LAW CENTER BIENNIAL REPORT, JULY 2003 - JUNE 2005

## NOTE FROM THE PRESIDENT

I joined the Law Center's Board in 1997. That year I wrote in the Law Center's newsletter that 'many Indian tribes...don't feel they can have an effect on environmental issues and they feel they are at the mercy of the federal laws and Congress and the administration and the courts because they don't understand the process. This is where the Law Center-people who are dedicated and who know the process, who are experts and know the language-are so important to Indian tribes and other communities....The Law Center enhances the ability of the tribes to set up internal mechanisms to develop and use laws for our own protection, to protect our sacred areas, our water, our land and anything else of value to the tribe.'

Those words are as true today as the day I wrote them.

But Native American communities are not the only ones that benefit from the work of the Law Center, and the organization's impact is not localized to the communities in which the Law Center specifically works. I know that without the Law Center, our water would be more contaminated, our air would be dirtier, our state's residents would be sicker, and our ancient cultures would be more damaged. All of us who live in this beautiful, but often shabbily-treated state, benefit from the Law Center's ability to protect the world we share.

If you already support the Law Center's work, I thank you for helping this extraordinary group of people continue their work on behalf of New Mexico's communities and environment; the Law Center cannot operate without you. If you are new to the Law Center, I urge you to become a long-time supporter; I am proud to be a part of one of the oldest and most respected independent environmental organizations in New Mexico, and hope that you will be as well.



Richard Deertrack  
President of the Board of Directors  
New Mexico Environmental Law Center

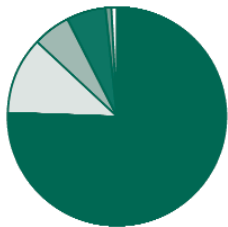
## INSTITUTIONAL FUNDERS

The Law Center thanks the foundations that supported our work during our 2004 and 2005 fiscal years.

Brindle Foundation  
Educational Foundation of America  
EMA Foundation  
Ford Foundation  
Joseph and Esther Foster Foundation  
General Service Foundation  
William H. and Mattie Wattis Harris Foundation  
Houghton Mifflin Matching Gift Program  
Impact Fund  
McCune Charitable Foundation  
New Cycle Foundation  
New-Land Foundation  
New Mexico Community Foundation  
New Mexico Community Foundation Donor Advised Funds  
Richard and Rachel Fund  
Robert Haspel and Lynda Taylor Fund for Social and Environmental Justice  
New Mexico Interest On Lawyers' Trust Accounts (IOLTA) Fund,  
a program of the Center for Civic Values  
Jessie Smith Noyes Foundation  
Oppenheimer Brothers Foundation  
Panta Rhea Foundation  
Patagonia Foundation  
Prajna Foundation  
Public Welfare Foundation  
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Rockefeller Family Fund  
Santa Fe Community Foundation  
Santa Fe Community Foundation Donor Advised Funds  
Baebler Fund  
Harold and Norma Brown Fund for the Environment  
Haspel and Taylor Fund for Social and Environmental Justice  
Just Woke Up Fund  
Turn and Return Fund  
Solidago Foundation  
Rudolf Steiner Foundation  
Surdna Foundation  
Tides Foundation  
Turner Foundation

## FINANCIALS, JULY 1, 2003 - JUNE 30, 2005

FY04 - JULY 1, 2003 - JUNE 30, 2004



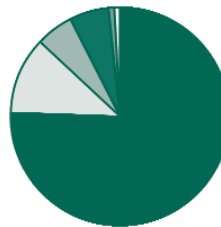
**Income - \$659,507**

Foundations - 75.7%  
Major Donors - 11.5%  
Membership - 5.4%  
Fees & Cost Reimbursement - 5.8%  
Special Events - 1%  
Other - .6%

**Expenses - \$533,985**

General Community Representation - 36.2%  
Native American Comm. Rep. - 28.3%  
Growth & Sprawl program - 1.2%  
Development - 19.1%  
Administration - 15.2%

FY05 - JULY 1, 2004 - JUNE 30, 2005



**Income - \$422,931**

Foundations - 73%  
Major Donors - 10.7%  
Membership - 7.7%  
Fees & Cost Reimbursement - 3.3%  
Special Events - 3.7%  
Other - 1.5%

**Expenses - \$544,055**

General Community Representation - 39.2%  
Native American Comm. Rep. - 31.5%  
Growth & Sprawl program - .7%  
Development - 13.8%  
Administration - 14.8%

Due to GAPP-accepted accounting practices, multi-year grants are recorded in the year when the Law Center is notified of the grant. For example, in fy04, the Law Center received notification of \$170,000 in grants that were recorded as income, although the actual funds were not received and expended until fy2005.

# LAW CENTER DOCKET OF MAJOR CASES, JULY 2003 - JUNE 2005

## AIR QUALITY CASE

### **Appeal of two open burning/open detonation permits issued to Los Alamos National Laboratory (LANL)**

*Clients:* Concerned Citizens for Nuclear Safety, Embudo Valley Environmental Monitoring Group, TEWA Women United

*Objective:* To prevent air pollution in communities surrounding LANL.

*Update:* NMED has scheduled a hearing for Spring 2006; we are currently in negotiations with NMED and LANL.

### **Helena Chemical Plant air pollution\***

*Client:* Mesquite Community Action Committee

*Objective:* Mitigate unregulated air pollution in colonia of Mesquite

*Outcome:* Negotiations resulted in a fine for Helena Chemical, a stringent air quality permit, and quarterly meetings between neighbors and the company.

## HARD ROCK MINING CASES

### **Molycorp molybdenum mine, Questa**

*Client:* Amigos Bravos

*Objective:* To protect human health and groundwater/surface water quality from mine pollution, and to restore contaminated minelands.

*Update:* The Law Center will represent Amigos Bravos at a hearing on Molycorp's closeout plan for the subsidence area at the mine.

### **Phelps Dodge Tyrone and Chino Copper Mines, Grant County\***

*Client:* Gila Resources Information Project

*Objective:* To protect human health and groundwater/surface water quality from mine pollution and to restore contaminated minelands at the nation's 4th and 5th largest open pit mines.

*Tyrone Update:* Succeeded in obtaining nearly every provision sought by our clients in the Tyrone permit.

*Chino Update:* The Law Center won a unanimous decision before the NM Court of Appeals to reopen our appeal of the Chino closure/closeout plan.

## NATIVE AMERICAN COMMUNITY CASES

### **Church Rock & Crownpoint proposed uranium mines**

*Clients:* Eastern Navajo Diné Against Uranium Mining (ENDAUM) and the Southwest Research and Information Center (SRIC)

*Objective:* to stop proposed *in situ* leach uranium mining in the Navajo communities of the Crownpoint-Church Rock region. This mining would likely contaminate the sole source of drinking water for 15,000 residents in the region.

*Update:* The Law Center is appealing several issues to the full Commission of the Nuclear Regulatory Commission.

### **Diné Natural Resources Protection Act (DNRPA), Navajo Nation\***

*Clients:* ENDAUM and SRIC

*Objective:* implementation of a law that would ban uranium mining on Navajo lands.

*Outcome:* The Navajo Nation passed the DNRPA in the spring of 2005. The law bans underground/open pit uranium mining, and places a 50 year moratorium on *in situ* leach uranium mining in Navajo Indian Country - the first law of its kind in the U.S. We anticipate that the uranium industry will appeal this law.

### **New Mexico uranium groundwater standards\***

*Client:* ENDAUM

*Objective:* to lower New Mexico's uranium groundwater standard from 5,000 micrograms/liter of groundwater to 30 micrograms/liter.

*Update:* The State adopted the new health-based standard in 2004; the oil and gas industry and mining industry are appealing the decision.

### **Oil and gas leasing, Counselor Chapter, Navajo Nation\***

*Client:* Counselor Chapter

*Objective:* To prevent the leasing of lands historically, culturally, religiously and environmentally important to the Navajo People for oil and gas development. The Bureau of Land Management (BLM) prepared to lease these lands without tribal consultation.

*Outcome of Counselor Chapter case:* Through the efforts of our client and the Law Center, the BLM was forced to withdraw the parcels from consideration.

### **Paseo del Norte expansion, west side of Albuquerque**

*Clients:* SAGE Council and several other organizations and individuals

*Objective:* To prevent the expansion of a sprawl-inducing road through a culturally-sensitive site important for its ancient petroglyphs.

*Update:* The Law Center lost the major issues of its 2005 lawsuit; its clients are determining a future course of action.

### **Taos Airport expansion, Taos**

*Client:* Taos Pueblo

*Objective:* to prevent the expansion of the Taos Municipal Airport

*Update:* The Pueblo is working with a technical expert to analyze the Federal Aviation Administration's draft environmental impact statement for the expansion.

### **U.S. Hill mica mine, Picuris Pueblo\***

*Client:* Picuris Pueblo

*Objective:* to stop the expansion of a mica mine on Picuris aboriginal lands

*Outcome:* Through a negotiated settlement, Picuris Pueblo regained the minelands, and is currently remediating those lands in order to restore its ancient pottery tradition, which relies upon clay gathered at the site.

*Update:* The Pueblo's aboriginal title claim against the previous owner continues.

## SOLID WASTE CASES

### **Southwest Landfill proposed expansion, South Valley, Albuquerque\***

*Client:* South Valley Coalition of Neighborhood Associations (SVCNA), the SouthWest Organizing Project (SWOP)

*Objective:* Stop the expansion of the Southwest Landfill in a neighborhood already burdened with environmentally-degrading industries.

*Update:* In December 2004, the Law Center was handed a victory by the New Mexico District Court when the judge overturned the landfill's permit to expand. The company has appealed.

### **Rhino Environmental Services proposed landfill, Chaparral\***

*Client:* SVCNA

*Outcome:* filed a friend of the court brief in support of a case brought by the Colonias Development Council and argued before the NM Supreme Court that community testimony and impacts on the community should be considered when the NM Environment Department makes permitting decisions about solid waste facilities. The Court ruled in our favor, and the hearing in the Chaparral case will be reopened.

### **New Mexico Amendment of Solid Waste Management Regulations**

*Clients:* SWOP and South Valley Coalition of Neighborhood Associations

*Objective:* To obtain environmental justice provisions in the NM Solid Waste Regulations, specifically to prevent the over-concentration of solid waste facilities in communities, and to avoid disparate impacts on low-income communities and communities of color.

*Update:* The New Mexico Environmental Improvement Board has scheduled a hearing for January 2006.

## WATER CASES

### **Top of the World water rights transfer**

*Clients:* Two acequia associations and individuals

*Objective:* to prevent an illegal water rights transfer to Santa Fe County from Top of the World Farms near the Colorado border.

*Update:* this case is on hold pending progress being made in the federal Aamodt water rights case.

### **Groundwater Discharge Permit/LANL Radioactive Liquid Waste Facility**

*Client:* Amigos Bravos

*Objective:* To prevent groundwater contamination by this facility.

*Status:* The Law Center commented on the draft permit issued by NMED; we are awaiting a decision.

*\*Denotes victory in case.*