



“The Law Center is the most important environmental organization in New Mexico today. It has credibility in the legislature, credibility with communities, and it always takes on the right issues.”

Antonio Lujan, State Representative from Las Cruces



From the *President's Desk*

I have no idea how many Presidents of the Law Center Board of Directors have preceded me over the past twenty years, but I do know that it is an honor and a privilege to have been selected for this position.

Twenty years! That is how long the Law Center has been representing clients in cases all across New Mexico, advocated environmental justice for underrepresented communities, opposing the degradation of the physical environment and the pollution of our precious water supplies. The list of these cases and causes is lengthy – and we all owe Doug Meiklejohn a huge thank you for having the courage and perseverance to make it happen.

Looking ahead, I see ever greater challenges for the Law Center. Among other looming environmental issues, we face the serious threat of the renewal of large-scale uranium mining in New Mexico, unchecked oil and gas development in areas like the Galisteo Basin, and a continuing need to protect our precious water resources and public lands.

To take on these and other threats to the environment, our dedicated staff needs the support of all of you. And there are many ways you can help: become a volunteer, tell your friends and neighbors about the Law Center, and above all, give! Become a member and make a difference. Pledge your financial support at whatever level you can for this important work.

We are all blessed to be in a state with such a rich cultural and natural environment, but the Law Center needs your support now more than ever to continue to take on these challenges for at least another twenty years!

Sincerely,

Dale Pontius was elected President of the Law Center's Board of Directors in July, 2007. He is a retired attorney who has worked with Congressman Morris K. Udall and Bruce Babbitt when he served as Attorney General of Arizona.

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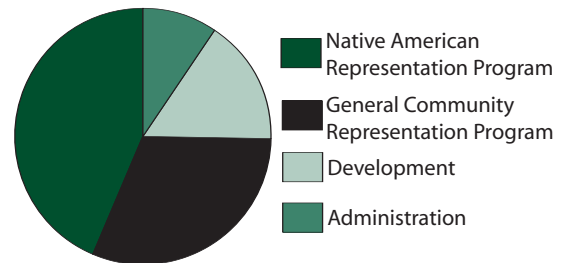
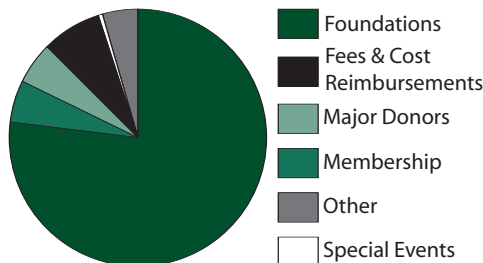
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 Total Expenses \$662,465

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EXPENSES:

Native American Representation Program. 43.4%
 General Community Representation Program. 31.1%
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 Administration. 9.5%



Law Center Cases

Air Quality

ConAgra Ethanol Plant – *Clovis, NM*

Clients / Partners: The National Association for the Advancement of Colored People (NAACP), the League of United Latin American Citizens (LULAC), and Concerned Citizens of Curry County.

Issue: Ethanol plant proposes to open next to low-income, minority neighborhoods.

Status: ON-GOING. ConAgra withdrew its air quality permit application in January 2008. The Law Center may still appeal the Environmental Improvement Board's decision to impose 1/3 of the cost of transcribing the administrative appeal on our clients, and may challenge ConAgra's existing air permit for its grain elevator which inflicts excessive levels of noise, odor, and dust on nearby residents.

Vulcan Concrete Batch Plant – *South Valley of Albuquerque*

Clients / Partners: Mountainview Neighborhood Association, South Valley Coalition of Neighborhood Associations

Issue: Prevent the siting of a concrete batch plant adjacent to the Mountainview community center; first appeal ever filed to Albuquerque / Bernalillo County Air Quality Control Board.

Status: COMPLETED 2007. Permit issued, but did pressure Board to reduce appeal fee from \$1,000 to \$100.

Energy

Galisteo Basin Oil & Gas Exploration – *Santa Fe County*

Clients / Partners: Drilling Santa Fe

Issue: Working with client to prevent environmentally destructive oil and gas drilling in the Galisteo Basin near Santa Fe.

Status: ON-GOING. Currently, we are commenting on Santa Fe County's proposed oil and gas ordinance and challenging Tecton Energy's applications for permits to drill in the Galisteo Basin.

New Mexico Oil and Gas Pit Regulation Change – *Statewide*

Clients / Partners: Oil and Gas Accountability Project (OGAP)

Issue: Advocate for language that would allow for the improved regulation of discharges from oil and gas wells.

Status: ON-GOING. The Law Center presented evidence at the five week hearing on the pit rule, demonstrating the human health hazards and that requiring the oil and gas industry to better dispose of its waste would result in only a nominal cost. The Oil Conservation Commission is expected to issue its ruling in Spring 2008.

Nuclear Regulatory Commission (NRC) ISL Generic Environmental Impact Statement – *Nationwide*

Clients / Partners: Haaku Water Office of Acoma Pueblo, Southwest Research and Information Center (SRIC), Eastern Navajo Diné Against Uranium Mining (ENDAUM), and Bluewater Valley Downstream Alliance

Issue: The NRC proposes to issue a General Environmental Impact Statement for all *in situ* leach uranium mining.

Status: ON-GOING. The Law Center submitted written comments to the NRC on behalf of our clients opposing the GEIS. Other community organizations from uranium mining states signed on to the Law Center's comments. The NRC draft statement is expected in April 2008.

Surface Owners' Protection Act – *Statewide*

Clients: OGAP

Issue: Successfully advocated for a law that would protect landowners with surface rights from damage caused by oil and gas drilling.

Status: COMPLETED 2007. Law passed 2007, and is the most stringent in US.

Hard Rock Mining

Grant County Chino Mine Closure Plans – *Silver City / Grant County*

Clients / Partners: Gila Resources Information Project (GRIP)

Issue: Ensure future remediation and bonding of Phelps Dodge mines (now Freeport-MacMoRan) in Grant County.

Status: ON-GOING. The Law Center and GRIP are in settlement negotiations regarding method of water treatment and remediation.

Grant County Tyrone Mine Closure Plans – *Silver City / Grant County*

Clients / Partners: GRIP

Issue: The Tyrone Mine Site is a place of withdrawal of water for present or reasonably foreseeable future use. Tyrone should have to re-grade, cover, and reclaim the piles of ore, waste rock and tailings located within open pits.

Status: ON-GOING. The parties will file written findings of fact, conclusions of law, and closing arguments on March 28, 2008, response briefs on May 12, 2008 and present oral closing arguments in June 2008, after which the Water Quality Control Commission (WQCC) will issue a decision on closure plan.

Molycorp Molybdenum Mine – *Questa (Taos Co.)*

Clients / Partners: Amigos Bravos

Issue: Remediation of Molycorp's (now Chevron Mining Inc.) molybdenum mine for the protection of the town of Questa from massive rockslides and contaminated surface and ground water.

Status: ON-GOING. The mine is currently listed as a Superfund site. A Remedial Investigation / Feasibility Study (RI/FS) is currently being conducted and is taking precedence over other matters.

Ortiz Mountains Gold Mine Reclamation – *Santa Fe County*

Clients / Partners: Friends of Santa Fe County

Issue: Remediation of LAC gold mine in Ortiz Mountains.

Status: ON-GOING. Currently the Law Center is monitoring reclamation.

Native American Community

Mount Taylor proposed uranium mining – *Acoma Pueblo / Mt. Taylor*

Clients / Partners: Haaku Water Office of Acoma Pueblo

Issue: Acoma Pueblo is working to prevent new uranium mining that would threaten the Pueblo's sacred sites, water quality and the health of its citizens.

Status: ON-GOING. The Law Center represents the Haaku Water Office in government-to-government negotiations with state and federal agencies concerning all applications for new uranium permits within the Pueblo's Cultural Province.

Hydro Resources, Inc. Uranium Mines – *Church Rock, Crownpoint and surrounding areas*

Clients / Partners: ENDAUM and SRIC

Issue: Appearing in proceedings before the NRC to prevent new *in-situ* leach uranium mines that would contaminate the sole drinking water source for approximately 15,000 residents, mostly Navajo people.

Status: ON-GOING. The NRC validated HRI's license in 2006. The Law Center filed a federal appeal filed in March 2007. Our opening brief was filed on June 22, 2007. Oral arguments will take place on May 12, 2008. All parties have requested oral argument. A decision can be expected in 2008.

Navajo Nation Safe Drinking Water Act – *Jurisdiction Navajo Indian Country*

Clients: ENDAUM

Issue: Successfully argued to the US EPA that a proposed uranium mine near Church Rock – a community whose population is 98% Navajo – is "Navajo Indian Country." If upheld, Navajo uranium ban would apply.

Status: COMPLETED 2007. Although the Law Center has concluded its representation of ENDAUM in this case, the mining company has appealed the EPA's decision in federal court. A decision is expected in 2008 or 2009.

Picuris Pueblo mica mine aboriginal title claim – *Picuris Pueblo, Taos Co.*

Clients: Picuris Pueblo

Issue: Represented Pueblo in regulatory proceedings concerning mine reclamation following the return of the Pueblo's sacred lands in 2005.

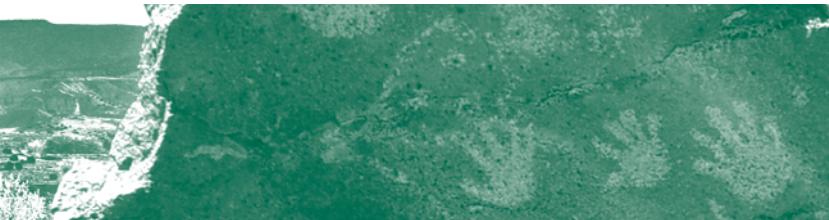
Status: COMPLETED 2007. Achieved clients' original goal of preventing further destruction of sacred site by mining.

Taos Municipal Airport Expansion – *Taos*

Clients / Partners: Taos Pueblo

Issue: Prevent expansion of the Taos airport so as to protect Taos Pueblo from noise and privacy invasion.

Status: ON-GOING. The Law Center is currently in negotiations with the FAA.



Thank you to the Funders, Sponsors, and Contributors who make the work of the Law Center possible.

Contributions made January 1 – December 31, 2007

Solid Waste

Chaparral Landfill – *Chaparral, Otero and Doña Ana Counties*
Clients / Partners: Colonias Development Council (CDC)

Issue: Mexican-American community working to prevent the siting of another landfill in its town.

Status: ON-GOING. NM Supreme Court ruled in 2005 that NM Environment Department must evaluate public input during permitting process; public hearing reopened in 2007. The landfill company is examining a new proposed site, causing the public hearing to be postponed until July 2008.

New Mexico Solid Waste Plan – *Statewide*

Clients / Partners: SouthWest Organizing Project (SWOP), Environmental Justice Working Group of the Southwest Network for Environmental and Economic Justice

Issue: Advocated for the adoption of a Solid Waste Plan that will support the environmental justice provisions recently adopted into the Solid Waste Regulations.

Status: COMPLETED 2007. Plan ratified in 2007, confirming protections in regulations.

Southwest Landfill Expansion – *South Valley of Albuquerque*

Clients / Partners: South Valley Coalition of Neighborhood Associations, Ileta Pueblo, and SWOP

Issue: Stop proposed expansion of landfill located in the primarily low-income, Hispanic South Valley neighborhood of Albuquerque.

Status: ON-GOING. The Law Center challenged the expansion permit but was defeated in the Court of Appeals. We continue to challenge the NMED's Solid Waste Act permit for the landfill based on environmental justice grounds.

Water

Los Alamos National Laboratory Radioactive Liquid Waste Treatment Facility Discharge Permit – *Los Alamos*

Clients / Partners: Arngios Bravos

Issue: Representing client in state proceedings concerning whether the Radioactive Liquid Waste Treatment Facility Discharge Permit 1132 has sufficient protections for ground water.

Status: ON-GOING. The Law Center has submitted comments on the permit and review is still pending.

New Mexico Surface Water Protection – *Statewide*

Clients: Concerned Citizens for Clean Water

Issue: Filed a friend of the court brief advocating that the State of New Mexico has jurisdiction to protect ephemeral surface waters that were dropped from federal protection in 2005. These represent approximately 80% of New Mexico's surface waters.

Status: COMPLETED 2007. NM Court of Appeals recognized jurisdiction of State to regulate surface waters.

Top of the World Farms Water Rights Transfer – *Santa Fe County*

Clients / Partners: New Mexico Acequia Association (NMAA), two acequias, and seven individuals

Issue: Prevent a water rights transfer to Santa Fe County from Top of the World Farms in order to protect the water rights of traditional acequia-based communities.

Status: COMPLETED 2007. Achieved client's original goal of not transferring water rights south of the Otowi Gauge. Clients are continuing to pursue a second objective with another law firm.

Walker v. US Grazing Permit – *Grant County*

Clients / Partners: New Mexico Wildlife Federation, NM Chapter of Trout Unlimited, and National Wildlife Federation

Issue: Friend of court brief filed in support of the United States to prevent ranchers from claiming financial damages from the federal government when their grazing permits were revoked due to damage caused to the Gila National Forest by the ranchers' cattle.

Status: COMPLETED 2007. NM Supreme Court agreed with us that water rights do not guarantee forage rights.

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