



Winter 2001

# Green Fire Report

A Publication of the New Mexico Environmental Law Center, a non-profit, public interest law firm.

The mission of the New Mexico Environmental Law Center is to protect New Mexico's natural environment and communities.

Photo Credit: Michael Berman/GRIP



Chino Mines Company (Phelps Dodge Corporation) smelter stacks in Hurley, NM, from a public playground about 200 yards distant. An elementary school (not shown) is roughly the same distance from the stacks as this playground.

## The New Mexico Mining Act Network: Hard Rock Mining May Never Be The Same

The Law Center has been working hard for years with many of our clients to stop the degradation of New Mexico's environment by hard rock mining, or to win the best possible protection of the environment through suits filed for our clients. There have been significant environmental gains, such as those achieved in the landmark reclamation settlement in the Ortiz Mountains mine case in Santa Fe County, among others. We were also very instrumental in drawing up and supporting the passage of the

*Continued on page 2*



### CASE UPDATES

#### Hydro Resources, Inc. vs. ENDAUM and SRIC

##### CURRENT FILINGS

The Law Center has reached a critical stage in administrative litigation with Hydro Resources, Inc. ("HRI") over its proposed uranium mining in northwestern New Mexico. We are working to prevent HRI from exercising its permit to carry out this toxic, *in situ* leach mining that would contaminate the pristine drinking water source for 15,000 Navajos in Crownpoint and Church Rock. HRI submitted its plan and cost estimates for cleaning up the pollution to the Atomic Safety and Licensing Board of the Nuclear Regulatory Commission (NRC) in November. The Law Center, on behalf of Eastern Navajo Diné Against Uranium Mining (ENDAUM) and Southwest Research and Information

Center (SRIC), filed a brief in reply to this latest plan in December. With the help of many generous member donations, we were able to contract several experts who concluded that despite HRI's assertions, the company would not be able to quickly restore the groundwater source after it has been polluted with uranium and other heavy metals as a result of the mining injection process.

HRI and the Nuclear Regulatory Commission staff responded to our filing in late January. We will keep you posted on further developments.

##### Steps Forward

In August of 1999, with support from the staff of the NRC, HRI convinced the

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***“We are very pleased that the Commission agreed with us that HRI can’t just have a license and not defend big parts of it. We want HRI to understand that we are not going away and that we plan to put even more effort into the next round of litigation.”***

— Kathleen Tsosie, ENDAUM

### **HRI vs. ENDAUM and SRIC**

*Continued from page 1*

NRC Presiding Officer to “bifurcate” the company’s license. The Presiding Officer (the administrative judge who runs the evidentiary hearing for the license and makes the initial determinations, which may then be appealed to the NRC Commissioners) determined that HRI had only to defend one fourth of the license that it held as the company had no immediate plans to mine three of the four areas for which it is licensed to mine. This decision prohibited ENDAUM and SRIC from challenging the entire environmental and human health impact of the license granted to HRI by the NRC staff. Further the Presiding Officer’s decision placed the hearing in limbo until HRI decided to mine the other sites, at some ill-defined or distant point in the future.

**In a major victory for the Law Center and our clients**, the NRC Commissioners ruled on January 31<sup>st</sup> of this year that HRI *cannot* bifurcate its license, allowing our clients to challenge the whole of HRI’s uranium solution mining license, rather than only one-fourth of it. The Commissioners directed that the hearing on the rest of the license should resume in six months or HRI should relinquish those portions of the license that have not undergone hearing.

Kathleen Tsosie of ENDAUM stated, *“We are very pleased that the Commission agreed with us that HRI can’t just have a license and not defend big parts of it. We want HRI to understand that we are not going away and that we plan to put even more effort into the next round of litigation.”*

The ruling will require that the financially challenged HRI spend more time and money on the pending litigation. The Law Center, ENDAUM and SRIC will continue to aggressively litigate their case to stop these mines.

### **Law Center Donors Come Through!**

In November last year we put out a call for assistance in our case against HRI. In order to most strongly critique HRI’s water restoration plan before the Nuclear Regulatory Commission, we needed \$10,000 to hire two nationally-known experts on restoration of water following *in situ*, leach mining of uranium. That was \$10,000 we simply didn’t have in our budget.

Fifty-seven Law Center donors answered the call to help protect our environment and contributed a total of \$11,348.00 to the HRI fund! With their generous help, we were able to file a reply to HRI’s plan which will either result in the NRC denying HRI the right to mine because of an inadequate restoration plan, or (more likely since the NRC rarely rules against industry) will form a strong factual basis for an appeal.

Thanks to everyone who was able to contribute to this critical appeal! ■

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***Fifty-seven Law Center donors answered the call to help protect our environment and contributed a total of \$11,348.00 to the STOP HRI fund!***

### **The New Mexico Mining Act Network: Hard Rock Mining May Never Be The Same**

*Continued from page 1*

New Mexico Mining Act in 1993.

Recent issues of the *Green Fire Report* have documented our work for *Amigos Bravos* in Questa, fighting for a cleanup of the Red River, and a true reclamation of the hundreds of acres of tailings and the acidic pit lake at the Molycorp molybdenum mine. We have recently begun legal work for *Gila Resources Information Project (GRIP)* in defense of communities in Grant County that have suffered for years from the effects of having four huge open pit copper mines dominate their lives.

Now, the Law Center has joined with *Amigos Bravos*, *GRIP* and four other colleague organizations—*Center for Science in Public Participation (CSPP)*, *Mineral Policy Center*, *Southwest Research and Information Center (SRIC)*, and *Western Environmental Law Center (WELC)*—to form the **New Mexico Mining Act Network**.

The Network has developed an unprecedented, nationally significant campaign to help set tough environmental standards for mine reclamation, and to more effectively combat the political power and the legal and technical expertise commanded by the two multinational corporations operating in Questa and Grant County, Molycorp (Unocal) and Phelps Dodge.

The goals of the Network are:

- 1. To ensure effective and lasting reclamation of these mine sites—** (the mines in question are all large and some show many decades of active mining with little regulatory oversight)
- 2. To ensure that the corporations that have profited from the mining are financially responsible for the damage they have caused—** (the Network has already achieved remarkable increases in bonding levels at the sites; the level of taxpayer liability will be directly related to the degree of the Network’s involvement)
- 3. To help establish the highest possible standards for mine reclamation in New Mexico and the West.**

Central to this challenge is our work to protect the New Mexico Mining Act from being so loosely interpreted as to destroy its effectiveness. This Act,

# Significant Potential of the New Mexico Mining Act Network

By Dan Randolph, Southwest Circuit Rider, Mineral Policy Center

The New Mexico Mining Act Network (Network) has the potential to further a number of key aspects of Mineral Policy Center's (MPC) agenda. **Reclamation Bonding** and **Responsible Practices** for the mining industry are both issues that MPC is pushing nationally, and that are directly addressed by the Network. In addition, we at MPC have targeted New Mexico as a key state politically in the national mining reform effort due to Senator Jeff Bingaman's role in the Democratic party as a senior western Senator.

**Reclamation Bonding:** In early 2000, Molycorp was arguing for a bond amount of less than \$15 million for the whole Questa mine site. By December of this year they had posted a surety bond in the amount of \$129 million. This increase is a direct result of the work of the Network. While the bond for the Molycorp Questa mine may yet increase, the current amount insures that the state will not allow the company to leave the site easily. The bonding story at the Phelps-Dodge mines in the southwest part of the state is yet to be played out, but will surely be influenced by the Molycorp precedent, as well as the ongoing work of the Network.

**Responsible Practices:** The New Mexico effort fits directly into the Responsible Practices component of MPC's overall agenda, in two primary ways:

- First, the increase in bond amount relates directly to an increase in on-site reclamation and closure standards. The money is tied to

real regulatory-required actions on the ground.

- **The second aspect of the Responsible Practices work is the opportunity to further the dialogue with progressive elements of the mining industry in a manner that is very concrete and real, and in a manner which can model community–industry–regulatory agency collaboration.**

This is the as-yet unrealized potential of the Network effort. With the ongoing working group of the Network, Molycorp, and the NM state agencies as a template, there is real opportunity to work with one of the largest mining companies in the world, Phelps-Dodge, to model collaborative community—industry decision making around large scale mining operations.

A critical component of such an effort is abundantly present in New Mexico, that being a well coordinated, multi-talented (legal, technical, community organizing) group that is clearly not anti-mining, while also very focused on forcing the industry to act responsibly in the communities in which it works.

**Mineral Policy Center ([www.mineralpolicy.org](http://www.mineralpolicy.org)) is a non-profit environmental organization dedicated to protecting communities and the environment by preventing the environmental impacts associated with irresponsible mining and mineral development, and by cleaning up pollution caused by past mining. MPC programs address mining law, regulatory reform, protecting communities & ecosystems, corporate responsibility, and abandoned mine cleanup.**

recognized as one of the most enlightened mining laws in the country, is still largely untested in negotiations or in court.

Because the Act is the strongest such statute in the Western United States, mining activists and mining companies throughout the West are closely watching the cases in which the Network is engaged to see if the state agencies and courts will support environmentally-sound interpretations of the Act's language.

Key elements of the Act will be tested, such as the requirement for reclaimed mines to establish a "self-sustaining ecosystem compatible with the surrounding environment." (See: "Amigos Bravos wins unprecedented terms for reclamation of Molycorp site"; page 4.)

The uniqueness of this opportunity to set mining closeout and reclamation standards for New Mexico—and indirectly for the West—derives from three key circumstances.

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**As much as this two-year window is an opportunity, it is also a potential crisis, for failure to succeed at this campaign within this time frame will mean the opportunity has been lost for years to come.**

- First, the Act requires that *all existing mines must have cleanup plans (for restoration on closure) approved by the NM Mining and Minerals Division by the end of 2001,*
- Second, the requirement of the Act that mining companies establish a "self-sustaining ecosystem compatible with the surrounding environment," and
- Third, the *citizen suit and appeal*

*provisions of the Act, which give mining activists significant legal leverage.*

Given these unique conditions, this two-year campaign represents a *one-time only opportunity* for mining activists to secure stringent standards for the reclamation of hundreds of thousands of acres of land and millions of acre-feet of water that have been polluted and turned into waste dumps throughout the West. As much as this two-year window is an opportunity, it is also a potential crisis, for failure to succeed at this campaign within this time frame will mean the opportunity has been lost for years to come.

The mining industry has argued for exemptions and loose interpretations of the Act since passage. *If the Network is able to help enforce a meaningful standard for this requirement, it will raise the bar for mine reclamation standards across the state, throughout the Western US.*

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**Key elements of the Act will be tested, such as the requirement for reclaimed mines to establish a “self-sustaining ecosystem compatible with the surrounding environment.”**

Conversely, if the language of the Act is not interpreted and enforced to the highest standards, it will seriously weaken the ability of communities and mining

activists in New Mexico and elsewhere in the West to even minimally protect their air, water, habitat and landscapes for years to come. In other words, given that the

states—not the Congress—are now setting the pace in mining law reform, we believe that the present ‘testing’ of the NM Mining Act will be widely precedent-setting. ■

## **Amigos Bravos Wins Unprecedented Terms for Reclamation of Molycorp Site**

*By Brian Shields, Executive Director, Amigos Bravos*  
Amigos Bravos and the members of the NM Mining Act Network, including the *New Mexico Environmental Law Center*, have worked successfully with Molycorp to outline a stringent wildlife habitat restoration plan that holds the mining company responsible for restoring the site. This agreement represents an important precedent by going beyond the usual standards of reclamation, where successful re-vegetation alone is required, to require development of habitat that will support wildlife.

Molycorp will work with the NM Department of Game and Fish and other “interested participants”—including members of the Network—to develop the standards by which these studies will be carried out. The sequence of events:

- **Molycorp will prepare a Wildlife Impact Study.** This study will investigate the accumulation of molybdenum and other metals in plants and in animals that come in contact with uncovered tailings or eat the plants growing on covered tailings. The data found onsite will be compared with data collected from plants and animals offsite.
- **Molycorp will evaluate wildlife use of the Tailings Impoundments after reclamation has commenced.** For six years, on a quarterly basis, Molycorp will monitor reclaimed tailings piles to demonstrate the presence of wildlife. The permit is clear, however, that “presence of wildlife will not be used as criteria for calculation or release of financial assurance.”
- **Molycorp shall conduct wildlife surveys for six years following the completion of revegetation.** On a quarterly basis, Molycorp will study the seasonal use of the site (and adjacent sites) by wildlife, and investigate why any wildlife groups that should be present are not present onsite.
- **Molycorp will request a revision of the permit if the reclaimed site does not meet the reclamation standards put forth by the NM Mining Act.** If the reclaimed site does not become a self-sustaining ecosystem within six years after re-vegetation, Molycorp will have to revise the permit to include additional or alternative closeout actions.

***This agreement represents an important precedent by going beyond the usual standards of reclamation, where successful re-vegetation alone is required, to require development of habitat that will support wildlife.***

## **Funding the New Mexico Mining Act Network**

The two-year campaign of the Network represents a concentration of forces above and beyond the usual operations of all the member organizations, and therefore is requiring significant additional funding. A two-year, budget developed to cover minimally-required services for both the Molycorp site and the Phelps Dodge sites topped \$400,000.

As this issue of **Green Fire Report** goes to press, the Network had received \$150,000 in grants for the first year of operations, and a commitment for \$50,000 for the second year. The **Wyss Foundation**, the **McCune Charitable Foundation** and the **Beldon Fund** each very generously granted \$50,000 for the first year of the campaign, and an anonymous donation of \$10,000 came to the Network via the **Just Woke Up Fund of the Santa Fe Community Foundation**. The Beldon Fund also committed \$50,000 for the second year. A proposal for another \$50,000 for this first year of operations is under active consideration by one other foundation.

**Tax-deductible donations to the work of the Network can be made by contacting Michael Chamberlain, Senior Development Director of the New Mexico Community Foundation, at 505-820-6860.**

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## ***Molycorp Posts Over \$150 Million In Cleanup Bonds***

*After decades as an environmental pariah, will Molycorp commit to properly cleaning up its huge molybdenum mine?*

Although we do not have its final answer, the company recently took a big step in the right direction. In November, Molycorp agreed to a water quality permit for its polluted mine site and provided a \$129 million bond to guarantee cleanup at the mine. This is remarkable given Molycorp's past tendency to fight every environmental request and its position, as of last summer, that no permit or bond is required by law for the mine site. Given the size of the mess Molycorp has created, this step is long overdue.

Molycorp also posted a \$23 million bond to ensure cleanup at its tailings facility. In addition, Molycorp agreed to a final cleanup plan for that site. The cleanup agreement includes a requirement that Molycorp cover its tailings pile with at least three feet of cover material and innovative provisions regarding wildlife monitoring. ■

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## ***El Cajete Case Argued In Court Of Appeals***

On January 17, 2001, Law Center attorney Doug Wolf argued on behalf of the Sierra Club in the New Mexico Court of Appeals. In 1999, Santa Fe district court judge Art Encinias had ruled that the state Mining and Minerals Division (MMD) violated the New Mexico Mining Act (NMMA) by granting a mine permit to a new pumice mine in the Jemez Mountains. The mine permit allowed the new mine, the El Cajete mine, to be classified as a new unit of an existing mine, and thereby to avoid tough new mine standards under the NMMA. In particular, Judge Encinias noted that the MMD decision meant that the company proposing the new mine, Copar Pumice, was allowed to avoid the ban on environmental 'bad actors' imposed on new mines under the NMMA. The MMD and Copar appealed Judge Encinias' ruling to the Court of Appeals, where Doug Wolf defended the rulings. A decision is expected in the next several months. ■

## ***Intel Appeal Moves Forward; Conflict Of Interest Claimed***

In December 2000, Law Center attorney Doug Wolf filed a statement with the New Mexico Court of Appeals outlining the reasons SouthWest Organizing Project (SWOP) is appealing a recent decision upholding Intel's air permit. The statement includes an argument that the state Environmental Improvement Board should have held a new hearing because Board member Hilary Noskin failed to disclose a conflict of interest. Noskin works for an oil and gas company that employs the law firm used by Intel Corporation in the permit proceeding. In addition, Noskin's office is in the same building, on the same floor—in fact, across the hall—from the Intel lawyer's office. Noskin also is a member of a corporate fund raising committee for the Hispanic Cultural Foundation—along with an Intel executive. Thirteen days before the EIB hearing this summer, Intel announced a \$2 million donation to the Foundation. These circumstances amount to a conflict of interest and Board Member Noskin should not have participated in SWOP's appeal of Intel's permit. ■

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## ***Mica Mine Appeal Briefed To Court Of Appeals***

On January 15, 2001, Law Center Attorney Doug Wolf filed the last brief in the Picuris Pueblo's effort in the Court of Appeals to continue its citizen suit under the NMMA. The Pueblo's citizen suit challenged the MMD decision that allowed a substantial expansion of the Oglebay Norton mica mine north of Vadito. District Court Judge Stephen Pfeffer dismissed the suit, accepting the mine's argument that the Pueblo had to take its concerns to the New Mexico Mining Commission. The Pueblo believes it has a choice between filing a citizen suit and appealing to the Commission. The mine is located within the Pueblo's ancestral lands and is an increasingly large scar on the mountain side, as the company continues to enlarge its open pit. The Pueblo will seek oral argument. ■

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***These circumstances amount to a conflict of interest and Board Member Noskin should not have participated in SWOP's appeal of Intel's permit***



## REPORT FROM THE CENTER

### FROM THE PRESIDENT AND THE EXECUTIVE DIRECTOR

#### ***Law Center to Start Charging Fees for Services***

In a change of policy that took effect January first, the Law Center will be charging new clients for attorney services on an hourly basis. This change of policy will not affect the cases that we are already handling; we will continue to work on those matters without charging our current clients fees. This change of policy also does not affect the Law Center's ability to generate fees from sources other than Law Center clients. The Law Center will continue, for example, to seek to recover fees from opposing parties when that is provided for by a statute such as the New Mexico Mining Act.

The decision was made by the Board of Directors and the Staff at the Board's meeting in October. This issue had been discussed for several years, and the decision to charge clients fees was based upon three principal considerations:

- 1) the change in the applicable Internal Revenue Service regulations that occurred several years ago that allows the Law Center to charge fees;
- 2) the inability of the Law Center to sustain itself over the long term without charging fees, and
- 3) the need for Law Center clients to be involved in and to have ownership over the legal work that we do for them.

#### ***The Change in the I.R.S. Regulations***

When the Law Center opened in 1987, the Internal Revenue Service regulations governing non-profit law firms prohibited all such firms (including the Law Center) from charging their clients fees for services rendered. Those regulations were changed several years ago to permit the Law Center and other non-profit law offices to charge their clients fees, provided that two conditions are met. First, the fees charged cannot be more than it actually costs to provide the services rendered; that is, the Law Center cannot make a profit.

***This change of policy will not affect the cases that we are already handling; we will continue to work on those matters without charging our clients fees.***

Second, the funds generated from fees charged to clients cannot exceed 50% of the Law Center's income for any given five year period.

#### ***The Need to Generate Law Center Income***

The second consideration is the Law Center's need for additional income. This need is based on two factors: the increasing demand for the Law Center's services and the decreasing amount of funding available to the Law Center from foundations.

Although the Law Center now has four attorneys (as opposed to the one attorney with which the Law Center started), we receive many more requests for assistance than we can handle. During the Law Center fiscal year that ended on June 30, 2000, we received three times as many requests for our services as we had in the previous fiscal year. That increased rate of requests has continued; through November of this year we have been receiving an average of one request for our services a week.

Moreover, there are not adequate sources available to provide the increased funding necessary to meet that demand or even to maintain our current level of effort. During the Law Center's 13 year history, approximately 80% of the Law Center's income has been generated from foundations. The number of foundations that will fund legal services is quite limited, and although several foundations have provided funding to the Law Center for quite a few years, we have been told by some of them that they will not be able to fund us indefinitely because they have funded us for so long. One foundation has already ceased funding us for that reason, and we anticipate that several others will stop funding us in the next several years on the same basis.

Although we have increased substantially our income from non-foundation sources in the past several years, we cannot expect to fund all of our work from such sources. Most of our non-foundation support comes from individuals and businesses in New Mexico, but New Mexico is one of the five poorest states in the country. It simply is not realistic to expect that New Mexicans and New Mexico businesses

will be able to fund all or even a majority of the expenses needed to operate the Law Center.

#### ***Community Ownership of Law Center Legal Services***

The Law Center Board of Directors and Staff started discussing whether to charge Law Center clients fees several years ago in the context of a broader dialogue about generating income for the Law Center. During that discussion, several members of the Board of Directors who represent minority communities pointed out that payment of fees by community and other groups increases those groups' interest in and ownership over the legal services that the Law Center is providing.

The Board members indicated that groups that pay for a lawyer are more likely to stay involved in the legal work being done on their behalf and to exert control over that work. These Board members also pointed out that more client involvement and control is consistent with the Law Center's position that we try to achieve our clients' goals and do not tell our clients what they should want. As one Board member put it, "The Law Center should be working with communities rather than working for them."

#### ***The Fees to be Charged***

For these reasons, the Law Center Board and Staff have determined that we must begin charging our clients fees. At our current budget level, the maximum fee we would charge is \$45.00 per hour. We understand that payment of fees may be difficult at best for some of our clients, and we intend to be flexible with regard to the fees that are charged and with regard to the schedules by which clients may pay fees.

The Board and the Staff of the Law Center are committed to the work that we do, and we do not intend to have our fee policy interfere with that work. We will continue to provide legal services where they are needed the most and where the maximum protection of the environment is to be gained. We look forward to continuing our work with New Mexico community organizations and environmental groups for the protection of the state's natural and cultural heritage. ■

*By Jeanie Cragin, President, and Douglas Meiklejohn, Executive Director*



Heather Green

## Kickboxing Environmental Attorney Heather Green Brings Her Strengths to the Law Center

Attorney **Heather Green** joined the Law Center in February of this year. She recently earned her JD from the University of Utah College of Law, with a certificate in Environmental and Natural Resource Law, where she was also president of the Natural Resources Law Forum.

A Westerner by birth, Heather grew up in Salt Lake City in an environmentally-aware family. Some of her earliest memories include seeing her father at the kitchen table writing letters in support of parklands and national forest designation and protection.

While at the University of Utah College of Law, Heather studied the Clean

Water Act with one of the country's leading experts on the Act, Professor Robert Adler. Knowing of Heather's interest in environmental and natural resource law, and her abilities, Professor Adler recommended the Law Center to her as a place where she could be challenged and where she could make a significant contribution.

Another area of interest in Heather's study was the Endangered Species Act, which she says *"Could be one of the most important pieces of environmental legislation we have because an endangered species has implications for land use, air, land and water pollution, and a wide range of habitat issues. Every species is a critical part of the ecosystem in which it thrives—or doesn't—and the loss of one species affects the health and durability of many other species."*

*"The Fish and Wildlife Department's recent decision to stop listing endangered species—presumably because the number of lawsuits environmental groups have been filing is straining their resources—will probably result in even more lawsuits."*

Prior to joining the Law Center, Heather served as a contract attorney for the New Mexico Office of the State Engineer, assisting in the Pecos River adjudication of water rights. She negotiated with individual water rights claimants with land in the Carlsbad Irrigation District.

Heather tries to limit her views of future environmental trends to the next four years. *"Increasing our general level of environmental education is critical. There is a lot of environmental awareness in society now, but that's not the same as good environmental education. And we've got to stop polarizing communities over environmental issues. I know that this is not always possible. Industry, government and environmental groups are all guilty of taking extreme positions at times. We should make an effort to educate and by doing so sway opinions."*

In her spare time, Heather enjoys a variety outdoor activities, and one particularly interesting hobby—kickboxing. It's always good to have a fallback if litigation fails. ■

## Mine Drainage Was Just Too Exciting To Leave Behind..."

**Shelbie Knox** joined the Law Center staff as Development Associate in September. During her last job, Shelbie could often be found wading through hip-high orange muck at one of the acid mine drainage remediation sites she worked with near Johnstown, PA. There, she managed AMD&ART, a non-profit pilot project that combines public art and history with science in public "remediation parks" to clean up Appalachia's worst water problem. Although originally from California, she was drawn to the history of bituminous coal mining, and earned her M.A. in public history after writing her thesis on the environmental history of a coal town.

With her experience in grantwriting and her knowledge of mine pollution,

Shelbie was a natural to join the Law Center as Development Associate. *"I'm thrilled to have found a job that so closely meshes with my past work. Here I have a chance to work with people dedicated to stopping the pollution before it starts—what a great concept!*

*Pennsylvania hit its industrial stride at a time of total corporate hegemony, before there was any thought whatsoever of protecting the environment. While New Mexico has also been industrially active for over a century, dozens of citizens groups in this state are now fighting corporations on issues that were never raised in Pennsylvania when major industry existed, such as the link between ecological health and human health, and environmental justice. Here I also have the*



Shelbie Knox

*opportunity to work on such diverse issues as water rights, land use and toxic waste. It's very important and very exciting to be a part of that."* ■

# THE LAW CENTER *Presents the Year 2000* ENVIRONMENTAL AWARDS

New Mexicans from across the state came together for the Law Center's Environmental Awards Ceremony on October 3, 2000 to celebrate the work of the Law Center and to honor the achievements of this year's three award recipients. We would again like to thank Lynda Taylor and Robert Haspel, who graciously hosted the event at their home in Santa Fe.

The three women recognized by the Law Center in October are all formidable advocates for New Mexico's environment and New Mexican communities.

**Edith Pierpont** is the recipient of the *Karl Souder Water Protection Award* that recognizes her forceful advocacy for

the protection of New Mexico's water resources for at least the last decade. She was heavily involved in passing the New Mexico Solid Waste Act through the State Legislature in 1989 when it was vetoed by then Governor Garrey Carruthers and again in 1990 when he signed it into law. Ms. Pierpont has also been involved in other legislative efforts addressing water protection, including efforts to preserve the integrity of the Water Quality Control Commission; work on the enactment of the New Mexico Mining Act and as an effective lobbyist for adequate funding for the New Mexico Environment Department, which is the principal advocate in state government

for protection of water resources in the state.

**Paula Garcia**, Executive Director of the New Mexico Acequia Association, has been honored with the *Griff Salisbury Environmental Protection Award* for her role in protecting the long-term viability of acequias; as part of a way of life rooted in land-based culture, as local institutions of self-government, and as vital elements of the land-based economy of New Mexico's traditional Hispanic communities. Ms Garcia is a native of Mora, a community in which many families continue land-based livelihoods including small-scale farming, ranching, and forest harvesting.



*Left to Right: Host Lynda Taylor, Law Center executive director Douglas Meiklejohn, Awardee E. Shirley Baca, Law Center attorney Doug Wolf, and Awardees Paula Garcia and Edith Pierpont.*



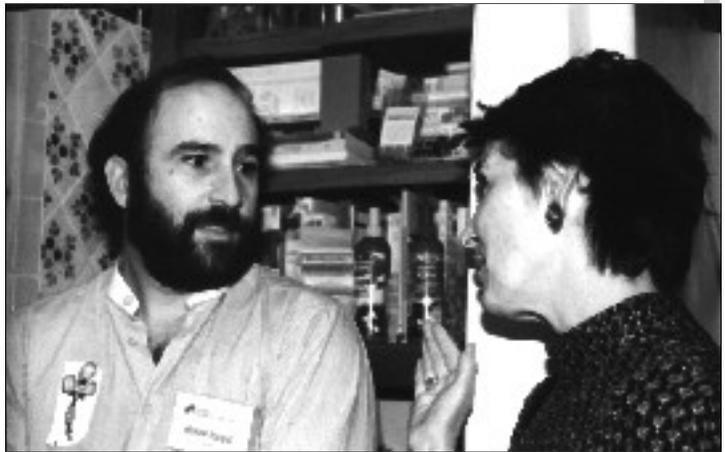
*Law Center Board President Jeanie Cragin opens the award ceremony.*

Paula's interest in rural development and community organizing stems from a commitment to the continued survival of land-based people particularly those of Northern New Mexico.

**E. Shirley Baca** was selected to receive the *Community Environmental Advocacy Award*, for her tireless work to assure equality and justice for all people. As a former State Representative, her voting record always reflected her 100% support for human and environmental justice, as well as all issues that positively promote the quality of life for all New Mexicans. She is a current member of the Las Cruces Hispano Chamber of Commerce, National Women's Political Caucus, American Civil Liberties Union and Las Adelitas. ■



*Ann Strickland and Doug Wolf share a good laugh with Pete Maggiore, Secretary of NM Environment Department.*



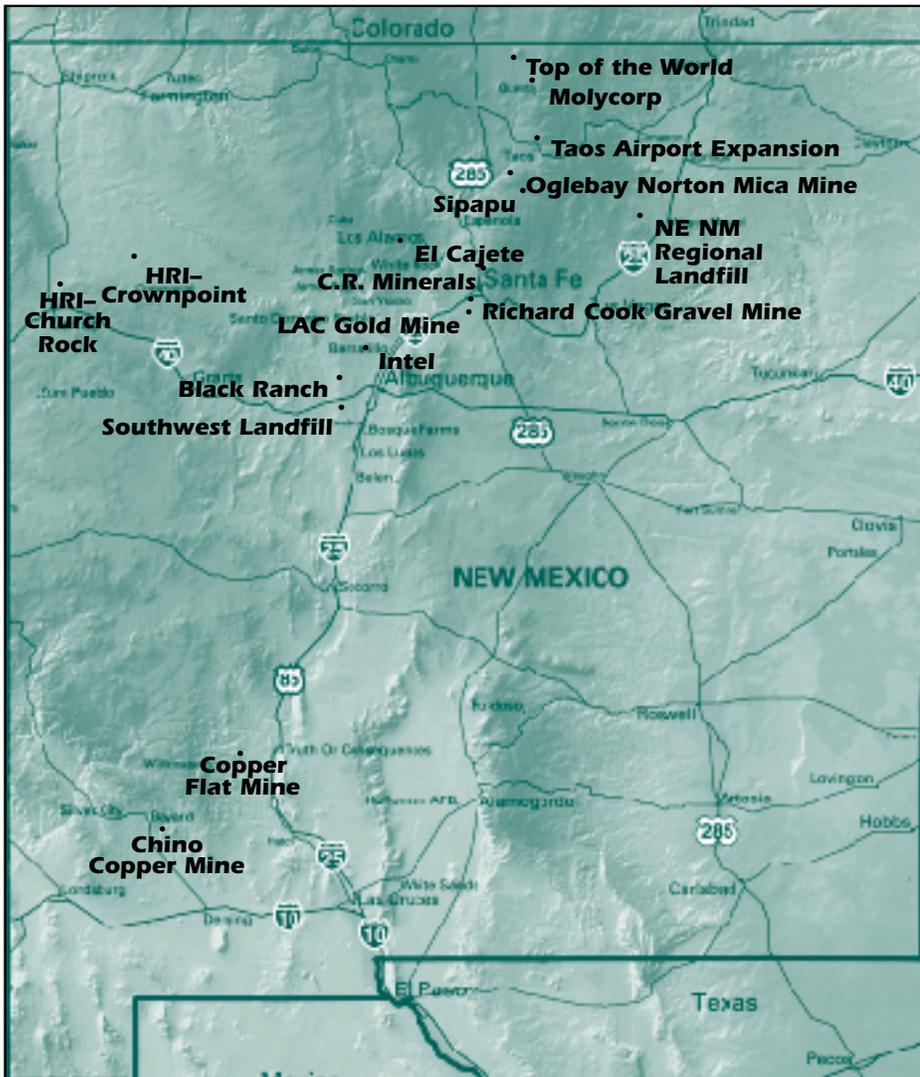
*Host Robert Haspel talks with Donna Vogel, Executive Director of Cornerstones Community Partnerships.*



*Leona Enrike and Kathleen Tsosie both spoke about the struggles and victories of ENDAUM, SRIC and the Law Center over the past year on the HRI uranium mining case.*

When our website is up, around May 1<sup>st</sup>, ([www.nmenviolaw.org](http://www.nmenviolaw.org)), you can look up the list of all our environmental Award winners from past years, as well as print out a nomination form to fill out and mail to us for the 2001 Awards!





Site of current Law Center work in New Mexico.

ever that a combination of legal action and grassroots organizing is absolutely critical to a winning strategy.

Although I am pursuing legal work in the field of human services, I continue to be an active member of WIN and firmly support the work of the Law Center and any other group committed to protecting our natural environment and to preserving traditional southwest cultural practices." ■

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### Law Center on the Airwaves

The Law Center spent some time on local airwaves this quarter. In October, Doug Meiklejohn spent an hour with **Diego Mulligan** and **Jennifer Waterston** of KSFR on *The Journey Home*. The week before Thanksgiving, Doug Wolf spent his morning at the Santa Fe Baking Company, home of the *Santa Fe Radio Café*, where he was interviewed on the air by Will Sims of KSFR. Both attorneys discussed work being done at the Law Center, as well as broader socio-environmental issues in New Mexico during their interviews. ■

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### NMENVIRLAW.ORG To Debut Soon!

The Law Center will soon take the great leap forward and join the rest of the world with its own website.

Planned to be online by May 1<sup>st</sup>, you will be able to follow Law Center cases and activities by logging on to

**[www.nmenvirolaw.org](http://www.nmenvirolaw.org)**

*See you there!*

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### Lila Bird Moves On To State Of New Mexico Position

Former Staff Attorney and Equal Justice Fellow **Lila Bird** left the Law Center in September to join the legal staff of the New Mexico Department of Human Services. We asked Lila to reflect on her experience at the Law Center.

*"In 1998, I joined the Law Center as a National Association for Public Interest Law (NAPIL) Equal Justice Fellow. After having worked on environmental issues with the Water Information Network (WIN) since 1988, I came to the Law Center with the goal of being able to combine legal action with grassroots organizing activity. Citizen opposition to a uranium mining*

*operation proposed for Church Rock and Crownpoint, New Mexico provided an immediate legal and organizing challenge. A monumental team effort was required to gather expert testimony, file legal briefs, and then to file numerous legal replies to opposing counsel's responses.*

*Despite the daunting legal tasks and with the help of many individuals from WIN, the Law Center, Eastern Navajo Diné Against Uranium Mining, Southwest Research and Information Center, and other organizations, dynamic and effective grassroots organizing strategies have also played a key role in the fight against new uranium mining in Diné communities. We have won some skirmishes and lost a few, but I am convinced now more than*

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### Summer Intern Housing Needed!

Every summer, the Center is honored to mentor two first or second year law students contemplating the practice of environmental law. We interview applicants for these volunteer positions, offer an internship to one or two, and give them the best practical experience on New Mexico's environmental issues. If the student is able to get a stipend, it is small, so we are looking for an inexpensive, furnished place for each of the students to live mid May–August. If you can help us out, please call Allison at 989-9022 with information.

## REPORT FROM THE DIRECTOR

### New Mexico Legislative Session Refuses to Surprise Us

Unfortunately, as expected, the New Mexico Legislative Session that just concluded released an opportunistic attack of anti-environmental forces in our fair State. There were attacks upon three of the State's primary environmental statutes, the Hazardous Waste Act, the Air Quality Act and the Water Quality Act. Expected attacks on the New Mexico Mining Act did not materialize.

The proposed amendments to these statutes varied, but generally they were in two categories. Amendments were proposed to the Air Quality Act and the Hazardous Waste Act that would have weakened the substantive standards of each to protect the environment. The proposed amendments to each Act also would have made it more difficult for the public to participate in proceedings under the Act.

Needless to say, we fought these attacks, and hired a lobbyist, Ron Curry, to supplement our staff lobbying forces. In order to deal with these and other issues, it was necessary to stay on top of the Legislature's proceedings, a task that was not always easy. An example of this occurred in a situation in which we were not involved. A legislative committee was scheduled to meet at its regular time, and

its agenda did not include the legislation to postpone deregulation of electricity, a proposal that was of interest to many parties. About ten minutes into the meeting, the agenda was changed to include that legislation, and it was heard by the committee without most of the major players on the issue even being aware of the proceedings.

That sort of flexibility in schedules made it a challenge to address all of the issues that are of concern. We were able to deal with the attacks on the Air Quality Act, the Hazardous Waste Act, and the Water Quality Act in some instances by amending proposed legislation to prevent it from weakening the protection for the environment and in some instances by working with other parties and sponsors of legislation to have it withdrawn. Fortunately, many other environmental organizations and individuals worked hard on these and other bills and amendments also. Perhaps one of the hardest-working and most important lobbyists working the Roundhouse this Session was our friend Mary Feldblum. Our thanks and appreciation go out to her. ■

by Douglas Meiklejohn,  
Executive Director

CONGRATULATIONS TO MICHAEL GUERRERO  
of the South West Organizing Project (SWOP),  
who was recently awarded the Miguel Trujillo Unsung Hero Award  
by the Albuquerque Human Rights Board.

This award recognizes his longtime organizing efforts with  
disenfranchised communities and advocacy for social  
and economic justice. *Congratulations, Michael!*

OF MORE THAN 3,000 NOMINATIONS RECEIVED BY  
the Ford Foundation, Doug Meiklejohn is one of 285 semi-finalists  
for the Foundation's Leadership for Change award,  
which honors innovative leaders who  
bring together communities to develop solutions to difficult problems.

Doug was nominated by David Benavides,  
an attorney at Community and Indian Legal Services.

*Good work, and good luck, Doug!*



## The NEW MEXICO ENVIRONMENTAL LAW CENTER

is a non-profit, public interest  
law firm that provides free or  
low cost legal services  
on environmental matters  
throughout New Mexico.

The mission of the New Mexico  
Environmental Law Center is to  
protect New Mexico's natural  
environment and communities.

Founded in 1987, the Law Center  
provides free or low cost legal services  
to clients— often individuals,  
neighborhood associations,  
environmental organizations,  
Tribes and Pueblos— seeking  
to protect the environment.  
The work of the Law Center  
is made possible by  
tax-deductible contributions from  
individuals and businesses,  
foundation grants, and  
limited earned income.

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The Law Center gratefully acknowledges gifts received in 2000

*In Memory Of*

ELLEN BUTENHOFF  
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PAUL V. THOMPSON  
ALEX H. WARNER  
DOROTHY PURLEY  
*and the*  
ANCHITKA WORKERS  
*and In Honor Of*  
TIMOTHY BENALLY  
MARYANN WASIOLEK  
*and* MIKE SPINKS  
TAMARA SAIMONS  
ASPEN RAYE VALLO

*“We reached  
the old wolf  
in time to watch  
a fierce green fire  
dying in her eyes.*

*I realized  
then, and have  
known ever since,  
that there was  
something new to me  
in those eyes—  
something known  
only to her and to  
the mountain.”*

—Aldo Leopold,  
A Sand County Almanac



Graphic Design and Production by The Type Doctor. Zi Pinsky

**An Evening with Dave Foreman:  
Conversations About The Wildlands Project and Book Signing**

*Thursday, May 10th, from 6–8 PM, Cloud Cliff Bakery & Café, 1805 Second Street, Santa Fe.*

The Law Center, in conjunction with Cloud Cliff Bakery & Café, will sponsor a book-signing and lecture by legendary environmental activist, conservation biologist and author Dave Foreman.

Founder of EarthFirst! in the 1980's, Foreman has transmuted his radical eco-activism into a visionary program to restore

the habitat areas necessary to re-establish the large mammal genetic diversity of North America. Foreman will also autograph copies of his recently published novel **Lobo Outback Funeral Home**.

Join us for an inspiring evening with Dave Foreman. For more information call the Law Center at 505-989-9022.



phone: 505 989-9022 e-mail: [nmelc@nmelc.org](mailto:nmelc@nmelc.org)

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