



Celebrating  
Sixteen Years of  
Environmental  
Victories

Winter 2003-2004

# GREEN FIRE Alert

## FROM THE EXECUTIVE DIRECTOR'S DESK

--*Douglas Meiklejohn*

As you have no doubt noticed, the format and size of this issue of The Green Fire Report are different from previous issues. The reason for that is the Law Center's need to cut expenses wherever possible because of the reductions in funding provided to the Law Center by foundations.

Since September 11, 2001, many foundations have experienced serious losses in the stock market where they had much of their assets invested. One extreme example is provided by a national foundation that has provided substantial funding to the Law Center and other groups in New Mexico; that foundation has lost a total of about four fifths of the assets that it had prior to September 11th.

The losses experienced by foundations that support the Law Center have had a direct impact on our budget, resulting in a prediction that the Law Center will be facing a deficit of more than \$100,000 for the fiscal year that ends on June 30, 2004.

There are only two positive points about these developments. The first is that we are being forced to develop new sources of funding and new ways of saving money. Despite the circumstances that are forcing us to take those actions, they are productive measures that will serve the Law Center well in the future.

The second positive point is that the foundations' difficulties are not affecting the Law Center as badly as they would have half a dozen years ago because we have reduced our dependence on foundation funding. When we

**"The inability of foundations to provide funding at the levels we expected has resulted in a prediction that the Law Center will be facing a deficit of more than \$100,000 for the fiscal year."**

began a campaign to reduce the Law Center's reliance on foundations in 1998, about 85% of the Law Center's funding was provided by foundations. We have reduced that amount to less than 70% of our funding. If we had not made that progress, the deficit we are facing would have been considerably worse.

Even so, the deficit we are facing could force staff reductions in 2004. With your financial support, however, we will be able to continue the work that makes a difference for New Mexico's communities and environment.

In 2003, the Law Center received approximately 70 requests for assistance from across New Mexico. We provided advice to 16 requestors, and took on 11 new cases.

## Inside

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### CASE UPDATES

### ENERGY BILL DOWN FOR NOW

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# Case Updates

*Editor's Note: Our attorneys haven't run short on case updates...we've just run short on space. Please see all of our case updates at [www.nmenvirolaw.org/news](http://www.nmenvirolaw.org/news).*

## Crownpoint Uranium Project

The litigation before the Nuclear Regulatory Commission has not yet resumed. However, the Administrative Law Judge presiding over the case has indicated that he will be issuing a final decision on Church Rock Section 8, the site that we litigated between 1998 and 2000, within the next few weeks. Immediately after issuing that decision, he will contact the parties to negotiate a schedule for Phase II of the litigation.

--Eric Jantz, Attorney

## SAGE Petroglyphs Case

SAGE Council, with the help of 1000 Friends of New Mexico, succeeded in defeating the Street Bonds Package in the October, 2003 Albuquerque city elections. If approved, the street bonds would have provided the city with money to construct the Paseo del Norte extension through the Petroglyph National Monument. SAGE is now looking toward the upcoming legislative session and anticipating the introduction of bills proposing state funding for the city project.

Albuquerque has never complied with the New Mexico Prehistoric and Historic Sites Preservation Act which requires the city to show that there are no prudent and feasible alternatives to the Paseo del Norte project. In fact, the city approved recent developments with full knowledge that the developments would be built across at least one of the identified alternatives. If the project proceeds as proposed, it would impact the Petroglyph National Monument, cross through Las Imanges State Historical District, and



Cases in green denote ongoing cases. Find out more about underlined cases on the web.  
Cases in black denote cases concluded during 2002-2003 fiscal years (July 1 - June 30)

destroy an area sacred to many New Mexican tribes and Pueblos. In addition to likely action in the legislature, SAGE is working with a transportation engineer to identify alternatives to the proposed extension, and hopes to open a stakeholders dialogue with Albuquerque and west side residents to resolve the conflicts.

--Heather Anderson, Attorney

## Phelps Dodge Case Continues

On behalf of the Gila Resources Information Project (GRIP), the Law Center filed an appeal challenging the Tyrone mine closeout/closure permit for not providing for early reclamation of tailing impoundments located at the north end of the Tyrone mine. GRIP

withdrew this appeal after Phelps Dodge Tyrone agreed to clean up the Mangas Valley tailing impoundments within 8 years, regardless of whether the rest of the Tyrone mine closes within that time.

Additionally, the Law Center represented GRIP in a hearing in which Phelps Dodge challenged provisions of the permit denying the use of the "open pit capture zone" as part of mine reclamation; providing for regrading of stockpiles at a 3:1 slope; and providing for 3 foot cover material on regraded stockpiles. GRIP supported these provisions of the closeout/closure permit as necessary to protect groundwater. We anticipate that we will hear the outcome of this hearing in the spring of 2004.

--Rod Ventura, Attorney

# America Pulls the Plug on Energy Bill...for the moment

The abomination that was the Federal Energy Bill died this November under the weight of its own pork-laden corpulence. The Energy Bill, which was larded with taxpayer giveaways to corporate donors, would have been disastrous for the environment and public health. Among the giveaways was a provision that would have subsidized uranium mining using the in situ leach method. This provision, sponsored by New Mexico Representative Heather Wilson and Senator Pete Domenici, would have indirectly supported the Crownpoint Uranium Project.

Although supporters of the bill in the U.S. Senate could not find enough support for the bill in that house of Congress, the Senate leadership has promised to revisit the bill in January.

-Eric Jantz



*Left, the Law Center staff took a field trip to Albuquerque to join the "Rally for a Better Energy Bill" in September, adding some street theater to the mix. Above, ENDAUM Coordinator Wynoma Foster speaks out against the uranium subsidies included in the Energy Bill during the Rally. Thanks to the SouthWest Organizing Project, ENDAUM, and the Sierra Club for making the rally such a success!*

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## The New Mexico Environmental Law Center

*The New Mexico Environmental Law Center is a non-profit, public interest law firm that provides free and low-cost legal services on environmental matters throughout New Mexico. The mission of the Law Center is to protect New Mexico's natural environment and communities. Founded in 1987, the Law Center works with 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's SUPER DUPER THANK YOU TWO-FER!

The Law Center would like to thank you for your support.

We have no fancy gadgets or gizmos for you -- not even those return-address stickers. All we have to give you is the good work our attorneys do to protect our state.

Oh -- and a free 1-year Law Center membership for a person of your choice with your gift of at least \$35.

Enclose this with your tax-deductible contribution in January or February 2004.

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The Law Center's work could not be accomplished without the generous support of our members. Thank you.

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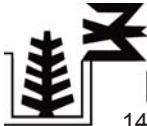
GIFTS WERE MADE IN HONOR OF:

Jan Bandler  
Leslie Barclay  
Douglas Meiklejohn  
Alan Osborne & Southwest Seminars

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**The Law Center wishes you a happy new year filled  
with clean air and water!**