

GreenFireReport

WINTER/SPRING 2016

A publication of the New Mexico Environmental Law Center, a non-profit, public interest law firm dedicated to protecting New Mexico's environment and communities.

| nmelc.org

Zombie Permit Terminated

A huge thank you to our members for helping make this victory possible!



ENDAUM member and long-time NMELC client Larry J. King lives next to URI's first two proposed uranium mines. Staff Attorney Eric Jantz in the background.

In the last issue of the *Green Fire Report*, we told you about a "zombie permit" for the proposed Uranium Resources, Inc. (URI) mine in Church Rock, NM. Staffers at the New Mexico Environment Department had just renewed the permit—even though the application was submitted 19 years earlier.

Because of your support, Staff Attorney Eric Jantz immediately filed an appeal on behalf of our long-standing client, the Eastern Navajo Dine Against Uranium Mining (ENDAUM). Shortly thereafter, NMED Secretary Ryan Flynn **terminated the permit**. In his letter, Flynn cited New Mexico's groundwater uranium standard, which was lowered in 2004 from 5,000 micrograms/liter to 30 micrograms/liter.



School bus passes proposed Church Rock mine.

© Photo courtesy of Ossy Werner.

(If you were supporting the Law Center in 2004, thank you again! We wrote that regulation, and successfully advocated for its option. Your long-term support is making these long-term victories possible!) Our ally, the Multicultural Alliance for a Safe Environment (swuraniumimpacts.org) also submitted comments on this permit earlier in the year.

The termination is a critical decision, because **the mine cannot open without this permit**. But the case is not yet closed – Flynn urged the company to submit a new application for immediate review by the agency. Your support will ensure that we, ENDAUM and MASE can keep challenging this project.

Copper Rule moves one step closer to Supreme Court ruling

"When Respondents demand that the Court pay deference to the Commission, they are actually demanding that the Court pay deference to Freeport McMoRan."

—NMELC Reply Brief, Copper Rule case

With your support, we filed our Reply Brief on March 7 in the Copper Rule challenge before the state Supreme Court. It's one of our last steps before the state's high court hands down a ruling in a case that could decide how groundwater is protected – or sacrificed – at industrial sites in New Mexico for years to come. You can see the Reply Brief on our website, nmelc.org.

LANL put on notice

Following the Lab's failure to meet a critical deadline, NukeWatch and NMELC prepare to sue.

Failure to clean up LANL's radioactive and hazardous waste has real-life ramifications for New Mexicans. During major stormwater events, the City of Santa Fe has to close its water diversion on the Rio Grande because of plutonium contamination washing down from Los Alamos Canyon. These and other problems will grow as more pollution migrates toward the river.

That's one reason why, on January 20, the Law Center and its client, Nuclear Watch (NukeWatch), put the U.S. Department of Energy and Los Alamos National Laboratory (LANL) on notice: we are preparing to sue the Lab for its failure to comply with its mandated cleanup schedule, and for its failure to allow for public comment and hearings on changes to cleanup deadlines required by a 2005 Consent Order.

Law Center Staff Attorney Jon Block is co-counsel with attorney John Stroud, an experienced trial attorney who has provided assistance to NukeWatch New Mexico for many years.



The Copper Rule allows New Mexico copper mines, including Freeport McMoRan's Chino mine (pictured here), to pollute groundwater.



The white domes at LANL contain Transuranic Waste, as well as equipment for packaging or repackaging waste.

"We think that nothing less than the future of cleanup at the Los Alamos Lab is at stake in our litigation," says Jay Coghlan, Executive Director of Nuclear Watch.

"We are deeply grateful to the Law Center for skillfully representing us in this demanding effort to achieve comprehensive cleanup at LANL."



Here's what we and NukeWatch will ask a federal judge:

- force the Lab to obtain a legal extension for cleanup;
- mandate that the Lab follow the required public process as part of the extension;
- order that any changes to the cleanup schedule require public participation.

We will file suit in March if NMED and LANL do not jump-start the process to implement an extension, or if that process fails to include a robust public component.

Want to find out more about the environmental justice work you're supporting in New Mexico? Or would you like to join our effort and donate to the Law Center's work? visit: www.nmelc.org

Alice van Buren

"You guys have a talent for optimism," says artist, writer, filmmaker and playwright Alice van Buren in explaining why she has been supporting the Law Center since 2009.

Alice was first introduced to the Law Center when we were representing community residents fighting threatened oil and gas extraction in the Galisteo Basin. Alice became involved in the fight, organizing a colorful community parade (complete with dinosaurs) against big oil, and developing a miniature golf course installation called "Gas Stations of the Cross", where players putt from pump to pump. Alice got so involved that she even served on the Law Center's board of directors for a couple of years, before returning full-time to her creative work.

Educated at Harvard and Brown, Alice studied painting at the Rhode Island School of Design and then printmaking in France. In Paris she also worked as a journalist and radio commentator. She moved to New Mexico the classic way – her car broke down outside of Taos.

"Gas Stations of the Cross" lives on, along with other artwork, at the Sculpture Ranch, which she established on the outskirts of Santa Fe with her husband and sculptor, Nathaniel Hesse. The compound is also inhabited

by several horses and one very sweet rescue dog. Inside, the walls are hung with paintings, many of them by Alice herself, including a series called Crusader Follies, which she has described as "an extended allegory in paint, a twist on the link between our oil-driven culture and the horse-based Crusades."

Alice's paintings can be seen at www.sculptureranch.org, and her short films, produced under the label Ink Well Productions, can be viewed on YouTube.



Kirt Kempster

We caught Kirt Kempster just in time. He was preparing to leave for a 23-day trip around the Pacific Ocean on a private plane as a speaker on an educational tour hosted by National Geographic. The group's destinations? Costa Rica, Iguazu Falls (Brazil), Patagonia, Easter Island, New Zealand, China and Japan.



Kirt is no stranger to global travel. As a geologist, teacher and photographer living in Santa Fe, he has spent decades working as a field geologist with projects near home and in Mexico and Costa Rica. He leads 7 to 8 tours a year for National Geographic, the Smithsonian Institution, and local organizations including Southwest Seminars.

Kirt always brings a camera along. His large format photos capture the beauty and scope of Western landscape. Kirt sometimes donates photocanvases to the Law Center for auction, and has been a member since 2005 when he first heard Doug Meiklejohn speak.

"I was very impressed," he recalls. "I knew it was an organization I wanted to support. Even though I'm a geologist and have lots of colleagues who went into oil and gas, economic geology has never been of interest to me. When I study geology and the story of life on the earth, it makes me feel more strongly the need to protect the environment. We're one of over 8 million species on the planet and we have to share it. We need to keep it a good home for everybody."

Kirt's photography is available at the Abiquiu Inn and The Pantry in Santa Fe. And though he hasn't updated his website in a couple of years because of his busy schedule, you can see examples of his work at www.geomosaics.com.



New Mexico
Environmental Law Center

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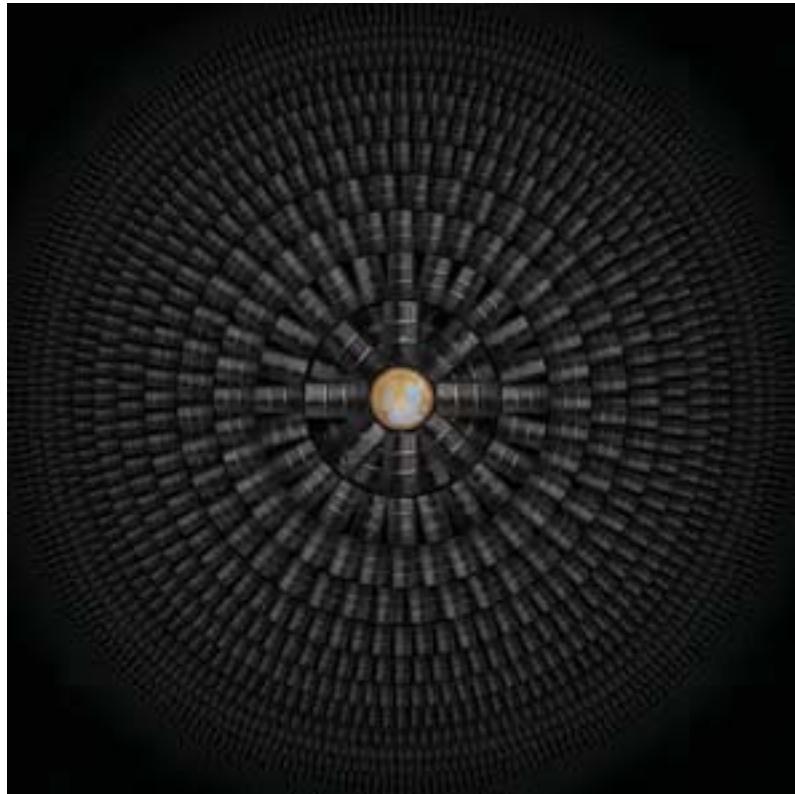
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Green Business Partner *Spotlight*



© Chris Jordan, *Oil Barrels*, 2008, 60x60", archival pigment ink print, edition of 6
Depicts 28,000 42-gallon barrels, the amount of oil consumed in the United States every two minutes (equal to the flow of a medium-sized river). Courtesy of VERVE Gallery of Photography

Anyone who appreciates fine art photography in the Santa Fe area knows Verve Gallery. Verve has been showcasing high quality photography exhibits since the gallery first opened its doors in 2003. John Scanlan and his son Wilson, who run the gallery together, have a particular passion for work that supports environmental protection and sustainability. John, who as a lawyer himself used to handle civil rights and environmental cases, supports the work of the Law Center because "*many, many environmental successes are due to lawyers who perform that kind of a service.*" He appreciates the Law Center's successes both in the Legislature and in the courtroom.

Verve's current show celebrates the country's national parks. It will continue until mid-April. For more information, visit:
vervegallery.com

VERVE
GALLERY OF PHOTOGRAPHY