



NEW MEXICO
Environmental Law Center

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2017 DOCKET

Representation by CASE TYPE

12 cases
Uranium Mining & Reclamation

6 cases
Federal Facilities (LANL / KAFB)

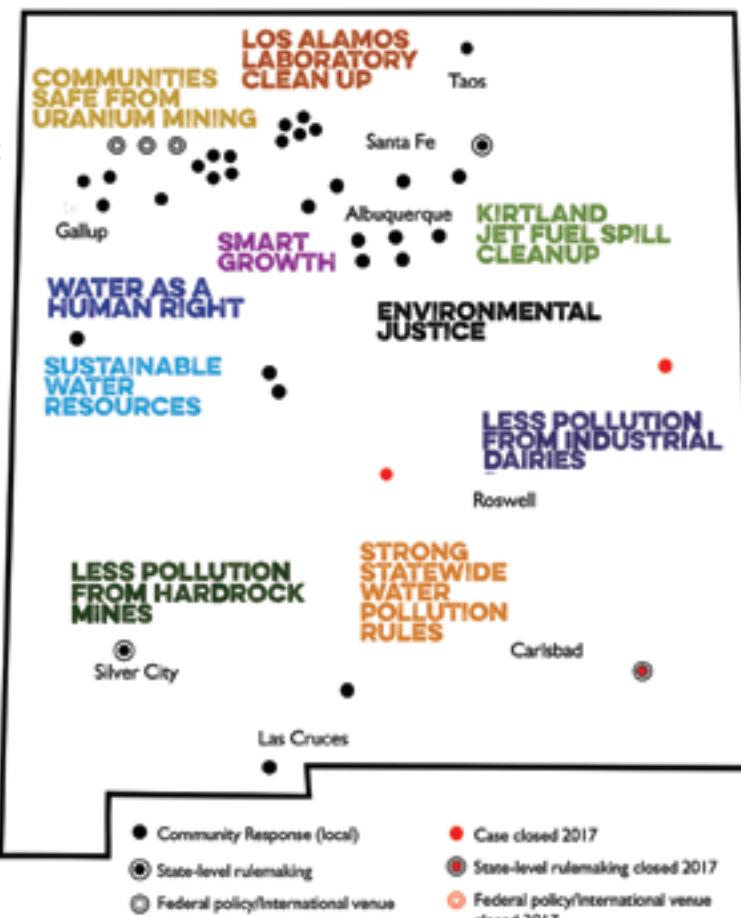
4 cases
Air Quality

4 cases
Hardrock Mining

5 cases
Water Rights & Speculation

1 case
Industrial Dairies

1 case
Solid Waste



2017 Clients

Amigos Bravos
Colonias Development Council
Communities for Clean Water
Concerned Citizens for Nuclear Safety
Earthworks
Eastern Navajo Diné Against Uranium Mining (ENDAUM)
Friends of Santa Fe County
Gila Conservation Coalition
Gila Resources Information Project (GRIP)
Hillsboro Mutual Domestic Water Consumers Association
Individuals
Lea County Concerned Citizens
Mariano Lake Chapter Citizens
Multicultural Alliance for a Safe Environment (MASE)
New Mexico Health Equity Working Group
Nuclear Watch New Mexico
Pajarito Village Association
Red Water Pond Road Community Assoc.
Rio Grande Chapter of the Sierra Club
Rio Valle Concerned Citizens
San Pedro Creek Home Owners Association
SouthWest Organizing Project (SWOP)
Taos Pueblo
Turner Ranch Properties

2017



Year In Review

Protecting New Mexico's communities and our air, land and water in the fight for environmental justice.

Dear Friends,

With the year 2017, the Law Center reached an important milestone – our 30th anniversary. With support from many generous people – who have given early and often of their time, expertise, and financial resources – the Law Center has grown to a thriving organization with a full-time staff of nine and a docket over the years of just shy of 300 cases.

I wish I could say at this point that we had put ourselves out of business, but that is clearly not the case (no pun intended). Unfortunately, with our current state and federal administrations hacking away at environmental regulations, and low-income communities and communities of color still bearing the brunt of environmental pollution and degradation, the work of the Law Center is in high demand.

At the close of 2017, with support from individuals and foundations across the state, we gathered enough funds to hire an additional full-time staff attorney. The new hire, who we will bring on board in 2018, will navigate the complex world of water protection in New Mexico. With roughly 80% of our case work involving issues of water quality and water quantity, and 9 out of 10 New Mexicans relying on groundwater for their drinking water, the need for this position is obvious.

If you have been a supporter of the Law Center for many years, you know that our cases do not resolve quickly. Some of our cases, particularly those involving uranium mining, date back 20 years. In 2017, as you will see in the Top 10 case highlights, we were victorious in some important cases while in others we are still deep in the trenches – and will be for years to come, such as with the Santolina mega-development battle.

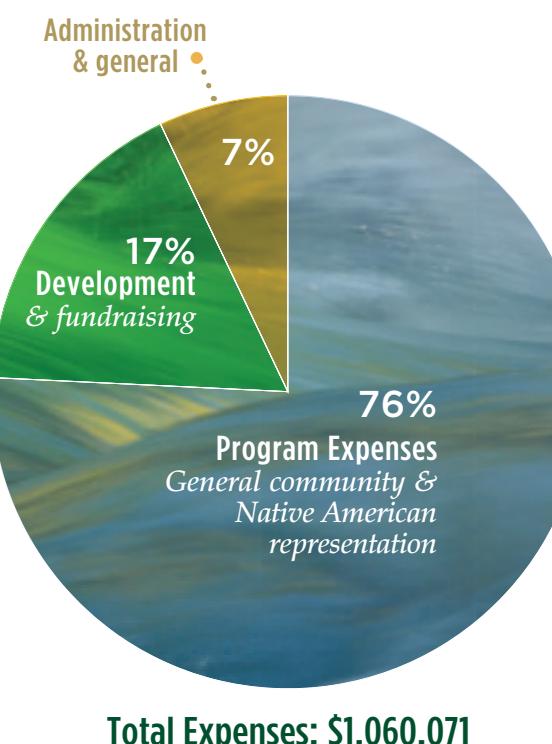
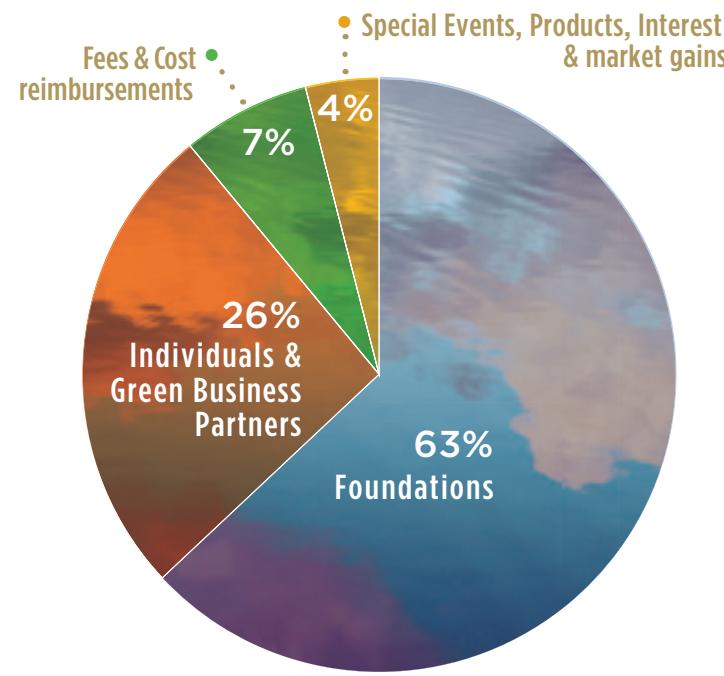
Thanks to your support, we are able to fight on to protect New Mexico's air, land, water and communities.

Douglas Meiklejohn
Executive Director

Photo: Douglas Meiklejohn announcing 2017 Toxic Turkey Award winner Governor Martinez, courtesy of Janiece Jonsin



2017 Unaudited Financial Report
(January 1, 2017 – December 31, 2017)



Foundation revenue includes Contributions Receivable and multi-year grants pledged in 2017 though coming in future years.

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If you have any questions about our accounting, please contact Yana Merrill, Director of Administration and Finance, at ymerrill@nmelc.org or (505) 989-9022.

Impact Report

Top 10 Stories of the Year

2017

1 Thanks to great collaboration between executive director Douglas Meiklejohn and our allies in the environmental community and the Legislature, we prevented all the bad bills we targeted from passing out of the Roundhouse.

2 The Court of Appeals sharply rebuked the Water Quality Control Commission (WQCC) and then-Secretary of the New Mexico Environment Department (NMED), Ryan Flynn (2-time winner of our annual Toxic Turkey award) for refusing to allow a public hearing on a discharge permit for Los Alamos National Laboratory's chromium plume monitoring program. The Court stressed that the intent of the Water Quality Act is to provide maximum public participation, and the decision is an important affirmation of the public's role in NMED permits. (*Client: Communities for Clean Water; Attorney: Jaimie Park*)

3 During a packed hearing at the Catron County courthouse, the Water Rights Division of the State Engineer's Office (OSE) said an application by Augustin Plains Ranch (APR) to withdraw over 16 billion gallons annually was speculative and should be denied. The OSE's final determination will come in 2018. Despite several attempts at an application, APR has not identified a buyer, a place of use, a beneficial use, or an end user. (*Clients: 80 individuals and organizations; Attorneys: Douglas Meiklejohn, Jaimie Park*)

4 In a victory for community residents, the Third Judicial District Court dismissed most of the water rights claimed by the New Mexico Copper Corporation and two water rights sellers. The case is tied to the proposed re-opening of the Copper Flat mine, near Hillsboro, NM. The Court found support for just over 900 acre feet of the 7,500 acre feet claimed, which is not sufficient for mining operations. (*Clients: 14 individuals and the Hillsboro Mutual Domestic Water Consumers Association; Attorney: Jon Block*)

5 In the Copper Flat water rights case (above), the Court found a long history of failed and half-hearted attempts by a changing set of companies to start copper production at the Copper Flat Mine. Despite this, the federal Environmental Impact Statement and state permit processes are moving ahead. Copper Flat would be the first mine granted a permit under the new "Copper Rule", written by industry and passed in 2014. (*Client: Turner Ranch Properties; Attorney: Jaimie Park*)

6 A State District Court Judge reversed the Bernalillo County Commission's ruling granting Western Albuquerque Land Holdings and Consensus Planning the zoning change they need for their proposed 13,000-acre Santolina development on Albuquerque's West Mesa. Many of the rules for how large-scale master plans are approved have not been followed, including for the Level A and Level B Master plans and the required development agreement on water. (*Clients: 6 organizations and 7 individuals; Attorneys: Douglas Meiklejohn, Jaimie Park*)



Douglas Meiklejohn at the Roundhouse



Roca Honda uranium mine

7 NMED petitioned the WQCC seeking fundamental changes to ground and surface water quality regulations. Before the hearing on the petition, we and our clients came to an agreement with NMED on changes to the definition of a "toxic pollutant" and human health standards for groundwater. NMED agreed to convene a working group on the matter and bring recommendations to the WQCC by December 2019. NMED also withdrew a contentious proposal for "discharge permit amendments" that would have allowed so-called "minor" changes to groundwater discharge permits without prior public notice or hearing. An important proposal brought to the WQCC would allow variances "for the life of the facility", which is illegal under the NM Water Quality Act and gives industry no incentive to prevent pollution of groundwater discharge or to abate groundwater pollution. We also challenged some proposed changes to rules for abatement plans to remediate polluted water. The outcome of this case will affect groundwater discharge permit cases for years to come. (*Clients: Amigos Bravos, Gila Resources Information Project; Attorney: Jaimie Park*)

8 After years of delays and ineffective action by the US Air Force to clean up the jet fuel plume threatening Albuquerque's largest drinking water well field, we submitted a draft Consent Decree to the Air Force outlining a cleanup process for the contamination from the bulk fuels facility at Kirtland Air Force Base. The Air Force invited us into confidential settlement negotiations, but these stalled under the new federal administration. Both the NMED and the Albuquerque Bernalillo County Water Utility Authority have notified the Air Force of serious deficiencies in its required Facilities Investigation Report. We and our clients are evaluating whether to file suit in Federal District Court to force the Air Force to adopt enforceable milestones and deadlines, and to work more closely with affected neighborhoods. (*Client: SouthWest Organizing Project; Attorneys: Douglas Meiklejohn, Jaimie Park, Jon Block*)

9 For years, the Albuquerque/Bernalillo County Air Quality Board has issued air pollution permits as if each polluting facility existed in isolation and has refused repeated efforts by the impacted communities in Albuquerque's South Valley to have the Board consider cumulative impacts. As a result, we filed a civil rights complaint with the Environmental Protection Agency and are waiting for its determination. In the interim, we and our clients filed a notice of appeal in the State Court of Appeals challenging the Court's upholding issuance of a permit for the Honstein bulk fuel depot in the San Jose neighborhood. [In early January 2018, we learned that NMED asked to intervene on the side of the City.] (*Client: SWOP; Attorneys: Eric Jantz, Jon Block*)

10 With help from the Law Center, community members have a chance to push for a meaningful moratorium on uranium mining in McKinley County. We threatened to sue the McKinley County Commission for violating the state's Open Meetings Act after the Commission put the moratorium on the agenda of a poorly publicized meeting instead of the regularly scheduled meeting. The Commission re-passed the same toothless resolution, but promised to work with community members on a strong ordinance. (*Client: Multicultural Alliance for a Safe Environment; Attorney: Eric Jantz*)



Diné girl looking out over uranium mine



San Augustin client meeting

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