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ENVIRONMENTAL VICTORIES



GREEN FIRE REPORT

A BIG CHANGE FOR THE NEW MEXICO URANIUM GROUNDWATER STANDARD?

By John Fogarty, MD, MPH

NEW MEXICO GROUNDWATER NEEDS PROTECTION

The future of many high quality water sources in New Mexico hangs in the balance as the state Water Quality Control Commission (WQCC) considers a new—and significantly more stringent—limit on uranium in groundwater affected by human activities. As opposed to the current standard, the proposed standard is based upon protecting human populations from this known kidney toxin.

The nuclear and uranium mining industries are expected to vigorously oppose the proposed health-based standard for uranium when the issue comes before a WQCC public hearing in April 2003. Uranium companies lack the ability to restore aquifers after mining, and they will see a standard that is strict enough to protect the health of the public as a threat to their profits.

THE NEED FOR A HEALTH BASED URANIUM WATER STANDARD FOR NEW MEXICO

To protect the health of New Mexicans for generations to come, the WQCC should adopt a uranium groundwater standard that not only reflects important developments in recent health research, but also takes into account conditions that are unique to our state. Foremost, nearly 9 out of 10 New Mexicans depend on groundwater for drinking water supplies. Additionally, certain population groups in New Mexico, such as Native Americans, already suffer from high rates of kidney disease, and exposure to a proven kidney toxicant in water sources poses an additional and unacceptable risk. People in the Crownpoint area, for example, already have three times the national rate of kidney disease.

URANIUM INGESTION LEADS TO KIDNEY DAMAGE

Although uranium is radioactive and can cause cancer, its primary toxic effect when consumed in water is that of a heavy metal. Heavy metals, like uranium, lead, cadmium, and arsenic, are deposited in the kidneys and cause irreparable damage to the chief filtering mechanism of the body. The kidneys perform a vital role by removing toxic wastes and purifying the blood. Without dialysis, humans can live only a few days after kidney function completely fails.

The health effects of uranium have been studied extensively over the last 100 years and uranium groundwater standards have been steadily strengthened as research has revealed its potent toxicity on the kidneys. Epidemiological studies performed in the last decade have shown that ingesting water with uranium levels as low as 14 micrograms per liter ($\mu\text{g/L}$) can lead to signs of early kidney damage. By comparison, most drinking water sources in the U.S. and New Mexico have uranium concentrations below $2 \mu\text{g/L}$.¹

VARIATION IN URANIUM GROUNDWATER STANDARDS

Based on modern studies, the World Health Organization (WHO) lowered its recommended maximum level of uranium in drinking water

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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.*

OGLEBAY NORTON MICA OPERATIONS

Slogans such as "Stop Raping Mother Earth," "No Mine, No Mill, No Mas," and "20 Years of Lax NMED Enforcement," were emblazoned on signs held aloft by residents of villages that line the route between the Oglebay Norton (ON) mica mine north of Picuris Pueblo, and Velarde, home of the company's mill.

Protestors massed at the entrance of the mine on the morning of November 14th, marking the second time that the Pueblo has protested the operation that is destroying the tribe's traditional clay pits. This time, however, the Pueblo teamed up

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Mine protestor holds sign made by Picuris youth.

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BLACK HOLES OF NEW MEXICO: PHELPS DODGE'S LEGISLATIVE PROPOSALS

You may recall that the Phelps Dodge mining company worked quite hard during the last session of the New Mexico Legislature to change the New Mexico Mining Act's financial assurance requirements. Phelps Dodge argued that it should be allowed to provide a corporate guarantee to assure that its subsidiaries will be able to clean up their mines even if those subsidiaries are not available to do the necessary work. Such a guarantee would be very risky for the taxpayers of New Mexico because Phelps Dodge and its subsidiaries are all in the same business, mining copper. That means that if the subsidiaries are in financial trouble because of the market for copper, Phelps Dodge will be in similar trouble and its corporate guarantee will not be worth the paper on which it is written.

Phelps Dodge is likely to push for that financial assurance legislation again, and it still presents the same risks for New Mexico's environment and its taxpayers. That proposal, however, pales by comparison with the other change that Phelps Dodge wants the Legislature to make to the New Mexico Mining Act.

Two of the most important provisions of the Mining Act are its requirements for compliance with environmental standards and protection of the environment during and after mining. The Act mandates that during mining and when mines are closed, they must comply with the state's air and water quality standards. The Act also mandates that mines be reclaimed to self-sustaining ecosystems compatible with the surrounding life zones. These requirements would be eliminated if Phelps Dodge is able to persuade the Legislature to enact the changes that it proposes to the Mining Act.

At a recent interim legislative committee hearing, Phelps Dodge presented its proposal for the establishment of what it termed "mining zones." According to a representative of the company, a mining company could apply to the State government for designation of an area as a mining zone if the area has historically been used for mining and has mining resources that can technically and economically be recovered. The company representative also suggested that an area could be designated as a mining zone if that designation is necessary to protect human health and safety and the environment. The Phelps

Dodge representative stated as well that a mining zone could be established only if the land involved is not needed for commercial, residential, or other purposes.

According to Phelps Dodge, a mining zone would be an area in which the New Mexico standards for protection of ground water would not apply during or after mining, and in which there would be no requirement that a mine be reclaimed. In other words, Phelps Dodge wants the State Legislature to create an environmental black hole, an area in which environmental laws and regulations do not apply. The only requirement the mining company would have to meet would be to avoid polluting the environment outside the mining zone.

Make no mistake about it; Phelps Dodge is proposing to create sacrifice zones, areas in which mining can destroy the environment and make no effort to protect or restore it. In other words, a company like Phelps Dodge could mine an area without being concerned about whether the mining polluted the environment or what would happen to the area's environment after mining was completed. The Phelps Dodge representative who spoke at the interim legislative committee hearing pointed out that the best place to find more ore is in an area that has been mined, and urged that mining zones be established to ensure that mining could be conducted in the future. According to that reasoning, any area that had been used for mining could be set aside for mining in the future, and no compliance with environmental standards or reclamation would be required in that area in the future.

Not only is this a totally inappropriate idea for areas that are mined, it would set a terrible precedent for areas affected by other activities. There are many activities in New Mexico that damage the land, and if sacrifice zones can be created for mining, lobbyists for those other activities will assert that they too are entitled to create sacrifice zones.

Phelps Dodge's proposal is one that would be disastrous for New Mexico. It must be defeated, and the Environmental Law Center and its clients and allies will be working to assure that it is not enacted by the State Legislature.

*By Douglas Meiklejohn
Executive Director*

PHELPS DODGE UPDATE

All parties are still waiting the decision of the hearing officer from the second Chino hearing in February 2002, and the May 20 Tyrone hearing.

In the meantime, the New Mexico Environment Department (NMED) has issued Notices of Violation (NOVs) to Phelps Dodge for the Chino, Tyrone, and Continental mines. The NOVs, dated October 18, 2002, state that Chino Mines Company, Phelps Dodge Tyrone, Inc. and the Cobre Mining Company "did not meet the New Mexico Mining Act Rules (Rules) deadline for obtaining Closeout Plan approval by the Director of the Mining and Minerals Division (MMD) in accordance with §19.10.5.501.E of the Rules..." Already given numerous extensions to the NM Mining Act deadline for having approved closeout plans in place, these mining companies had been mandated to have their closeout plans approved by the Director no later than October 1, 2002. Phelps Dodge petitioned for review of these NOVs and requested an expedited hearing, which was held December 13, 2002, in front of the New Mexico Mining commission. The Commission denied the company's request to vacate the NOVs.

Furthermore, the New Mexico Environment Department issued

letters on August 30, 2002 "to formally confirm that the New Mexico Environment Department (NMED) has determined that" the Chino mine, the Tyrone mine, and the Continental mine pose "a **Hazard to Public Health**, as defined in Water Quality Control Commission (WQCC) Regulation 20.6.2.7 NMAC." (emphasis added) Of course, Phelps Dodge appealed this determination. Subsequently, on November 1, 2002, NMED withdrew its August 30, 2002 letter, although it stood by its previous implicit determination that the mines pose a hazard to public health. Based on the withdrawal of its August 30, 2002 letter, NMED requested that the appeal petition be vacated. Nonetheless, Phelps Dodge objected to NMED's Notice of Withdrawal, and requested that a hearing be set to determine 1) whether Phelps Dodge's appeal must be dismissed based on NMED's withdrawal of the August 30 letter, and 2) if the appeal is not dismissed, whether the mines do pose a "hazard to public health" as determined by NMED. The WQCC ordered the copper company's appeal dismissed.

—Rod Ventura, *Staff Attorney*

US 70

Our client, the Valley Community Preservation Commission (VCPC) appeared before Judge LeRoy Hansen in the New Mexico Federal District Court on November 20, 2002 to ask for a preliminary injunction against the Federal Highway Administration (FHWA).

In its complaint, the VCPC and other individual plaintiffs claim that the FHWA violated the National Environmental Protection Act and Section 4(f) of the Department of Transportation Act. First, it approved the project despite conflicts of interest with the engineering firm that completed the environmental studies and was hired to act as consultants over the project if a "build" alternative was selected. Second, the FHWA only looked in the very narrow right-of-way to determine whether the four-lane highway would destroy any historical or cultural features of the Hondo Valley. The FHWA determined there would be no negative impact, and as a result of this narrow, illegal review, it never determined whether there was an alternative that would minimize the impacts.

At the hearing, the VCPC argued that although the adequacy of the FHWA's actions should be judged on the administrative record, because the FHWA had not completed requisite impact studies, it is necessary for the court to look at information not contained in the administrative record but that demonstrates just how much the FHWA actually neglected to take into account.

The injunction, if granted, would have stopped the US 70 expansion project until the FHWA adequately studies the project impacts on cultural and historical resources in the Hondo Valley. Unfortunately, Judge Hansen denied our request for the preliminary injunction pending a trial on the merits of the case. The VCPC is considering an appeal of the denial to the 10th Circuit Court of Appeals.

—Heather Anderson, *Staff Attorney*

CROWNPOINT URANIUM PROJECT

The HRI litigation is still on hold, pending a final attempt by the parties to settle. The settlement judge assigned to the case has scheduled a settlement conference for January, 2003. Should the parties fail to reach a settlement, litigation before the Nuclear Regulatory Commission will likely resume soon thereafter.

In the meantime, ENDAUM continues to raise money for its opposition to HRI's mining projects, and is keeping pressure on elected officials to do the right thing.

Recently, ENDAUM had success in that regard by convincing Senator Jeff Bingaman to remove a uranium subsidy provision from the Senate version of the Energy Bill. That provision would have given substantial sums of taxpayer money to companies like Uranium Resources, Inc., HRI's parent company. Many thanks to Senator Bingaman for his efforts in opposing this provision.

Since Congress was unable to pass the Energy Bill during 2002, a similar amendment in the House version (H.R. 4) that was more explicit in its taxpayer giveaways to uranium companies did not become law. However, we anticipate that similar uranium-subsidy language will reemerge when Congress works on the Energy Bill during 2003. Our clients and we will remain vigilant in our efforts to defeat this provision.

—Eric Jantz, *Staff Attorney*

OGLEBAY NORTON MICA OPERATIONS

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with Vecinos del Rio, another Law Center client, that is fighting the company's mill in Velarde. The members of Vecinos have fought the mill for years, blaming respiratory disease in the valley on the mica dust that blows from the mill's tailings piles.

Approximately 75 people attended the protest, including elders from Picuris and Velarde. Speakers at the mine questioned the company's destruction of Picuris sacred sites, as well as attempts by the mining industry to weaken environmental protection laws. Caravanning to the mill-site, protestors used the venue to again draw attention to the company's destruction of ancient cultural sites and its disregard for its permits.

Fortunately, for the first time in many years, NMED and the Mining and Minerals Division are beginning to enforce ON's permits at the two sites. The Ground Water Quality Bureau issued a letter of non-compliance last year after discovering the ground water beneath the mill site violated ground water standards. In October, 2002, ON also received a Notice of Violation from the Air Quality Bureau for failing to water is stockpiles to keep fugitive emissions down at the mill and a Notice of Violation from the Mining and Minerals Division for illegally hauling tailings from the mill to the mine and dumping the tailings at the mine without permission to do so. As a result of recent precipitation, the illegal tailings piles began to erode. MMD cited ON for failure to, among other items, minimize negative impacts to the hydrologic balance and for failure minimize mass movement. Shortly before the protest on Nov. 14, 2002, ON withdrew its application for permit modification at the Velarde processing mill and notified the New Mexico Mining and Minerals Division that it would be modifying its application for permit modification at the mine site.

Vecinos del Rio and Picuris Pueblo experts continue to follow the application changes ON submits. Both NMED and MMD expect to hold hearings on new applications sometime in the early spring.



Protestors behind Picuris micaceous pottery

INTEL AIR

In a victory for the Law Center and our client, the New Mexico Court of Appeals has decided that the state's Environmental Improvement Board (EIB) must better explain its decision to grant an air quality permit to computer chip manufacturer, Intel corporation. In 2001, the SouthWest Organizing Project (SWOP), represented by the Law Center, had appealed the EIB's Final Order of October 2000 which affirmed the air quality permit to Intel. Our client argued on appeal that it did not receive a fair hearing from the EIB and that Intel needs to obtain an operating permit for its air pollution.

In its September 25, 2002 order, the Court of Appeals stated that "[w]e cannot discern with sufficient certainty to engage in meaningful review the substantive, procedural or evidentiary grounds relied upon by the EIB as the basis for the EIB's Final Order." Thus, the court ordered that the EIB "explain in more detail the basis of its decision including its view of the expert testimony submitted" by SWOP.

SWOP, through the Law Center, requested a full rehearing of the issue, arguing that the hearing officer who signed the final order is no longer a member of the EIB and could not provide insight into matters of credibility of the expert witness or his view of expert testimony. The Court of Appeals denied that request for a full rehearing.

Meanwhile, the New Mexico Environment Department (NMED) has indicated that it has received funds from the EPA to conduct off-site air monitoring downwind from the Intel plant. The results from any monitoring, either by the State or by SWOP members or Corrales resident, may provide data linking Intel emissions to health problems in Corrales.

—R.V.

STERICYCLE, INC.

With some help from the New Mexico Solid Waste Bureau, the multinational medical waste treatment giant, Stericycle, Inc., has been granted a permit to modify its solid waste treatment facility in Albuquerque's Wells Park neighborhood. In what is unfortunately not an unusual circumstance, the permit was granted despite the fact that the application was deficient in several respects, including the fact that Stericycle failed to submit an adequate closure plan with its application.

After a hearing on the permit application, the New Mexico Environment Department Hearing Officer found that the expert hired by the Wells Park Neighborhood Association ("Neighborhood Association") and SouthWest Organizing Project ("SWOP") was correct in pointing out that Stericycle did not include a legally sufficient closure plan with its permit application. Instead of forcing Stericycle to re-submit a complete and thorough permit application, the Secretary of the Environment re-opened the record to permit Stericycle to submit a closure plan without allowing our clients to present expert testimony on the closure plan or cross-examine Stericycle and the Solid Waste Bureau's experts.

In addition, the Hearing Officer and the Secretary of the Environment virtually

ignored Stericycle's long and sordid history of environmental, health and safety law violations. Finally, based on the Hearing Officer's report on the public hearing to the Secretary of the Environment, it became apparent that the Solid Waste Bureau did not—and felt no obligation to—consider whether the proposed Stericycle facility expansion would have disproportionately adverse environmental impacts on the largely low income and minority Wells Park neighborhood.

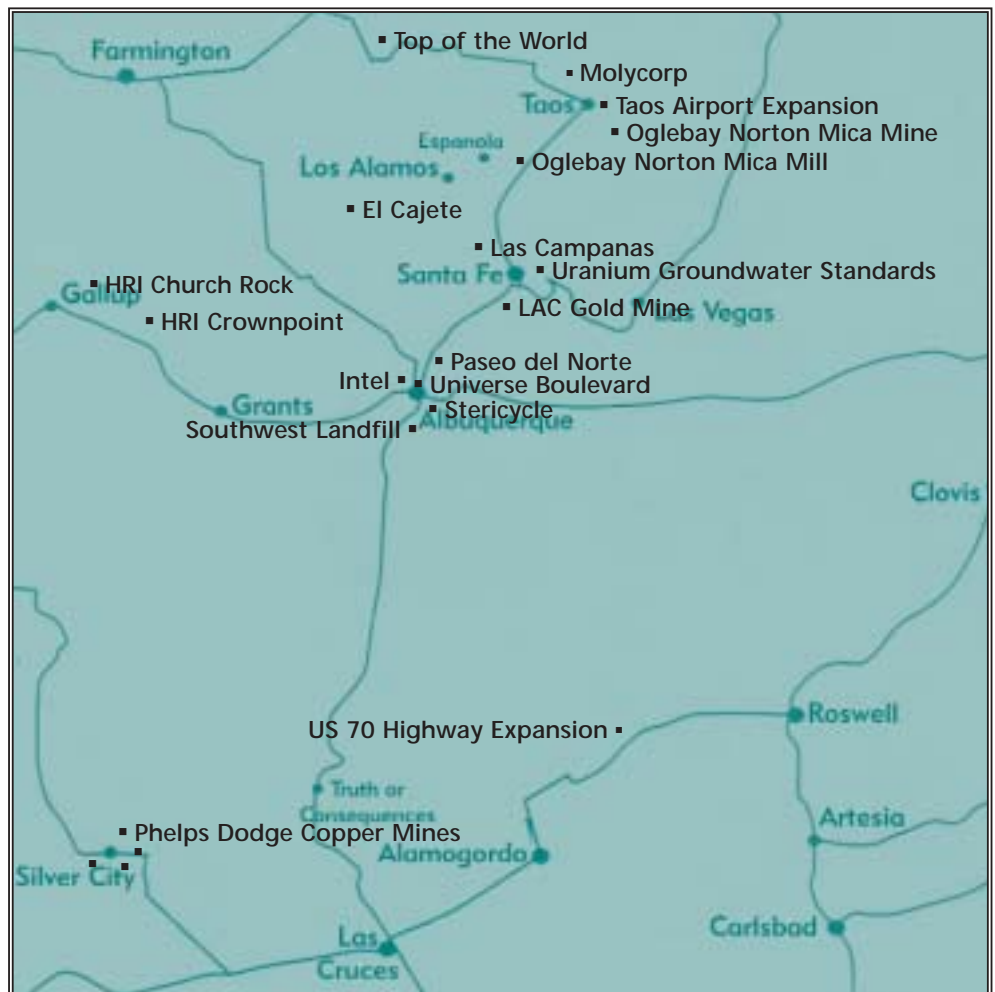
The Neighborhood Association and SWOP have appealed the Secretary of the Environment's decision to the New Mexico Court of Appeals.

—E.J.

LAS CAMPANAS

The NMELC filed a Motion to Intervene in Santa Fe's and the Santa Fe County's lawsuit against Las Campanas for failure to comply with Santa Fe drought ordinances. Both Las Campanas and the City of Santa Fe oppose the motion. Santa Fe County, co-plaintiff with Santa Fe, does not oppose the motion.

NMELC clients, Agua Fria Nursery, Bob Pennington, Rosemary Romero, Santa Fe Land Use and Research Center (LURC), and 1000 Friends of New Mexico argued in their motion and reply to opposition that they have specific interests that the City cannot represent. Las Campanas' First Amended Answer and Counterclaim supports this claim and asserted that Santa Fe has not protected its residents and other Sangre de Cristo Water Co. (SDCW) customers because it has never tried to enforce the ordinances.





Two 550 gallon cisterns, used at the press conference to announce our motion to intervene in the Las Campanas case.

Our clients represent several points of view. The Agua Fria Nursery and Bob Pennington—the owner of Agua Fria Nursery—are losing money as a result of Las Campanas's failure to fulfill its obligations under the Lease between it and the City and the development's failure to comply with the Lease provisions requiring it to share water equitably in times of shortage. Rosemary Romero's trees, shrubs, and other landscaping died as a result of more severe water-use restrictions put in place because Las Campanas has used exorbitant amounts of water for its golf courses to the detriment of the public. LURC and 1000 Friends, who also represent the community philosophy of sharing water equitably, have dedicated their missions in part to promoting water conservation and community dialogues about water conservation. All of our clients are asking the Court to require Las Campanas to comply with Lease provisions requiring the development to share water equitably in times of shortage.

A hearing on the motion to intervene has been set for January 31, 2003.

—H.A.

URANIUM STANDARDS *continued from page 1*

from more than 100 µg/L to 2 µg/L in 1998. Two years ago, the US Environmental Protection Agency (EPA) issued its first uranium drinking water standard at a level of 30 µg/L. The EPA standard is higher than the WHO standard because it was derived using both health data and economic considerations.

By comparison, the New Mexico groundwater-protection standard for uranium, which was adopted by the WQCC in 1977, is an astonishing 5,000 µg/L, and the Nuclear Regulatory Commission (NRC) *in-situ* leach restoration standard is 440 µg/L. Both standards are 2-3 orders of magnitude higher than the EPA and WHO standards and the levels at which early kidney damage may occur. **The current New Mexico and the NRC standards clearly are not protective of public health and need to be revised.**

Public health consultants from the University of New Mexico have recommended that **the State adopt a new standard of 7 µg/L.** The UNM researchers based their finding on several factors, including a toxicological analysis of the results of recent human and animal studies of chronic uranium ingestion and the fact people who live in arid climates consume more water per person per day than people who live in wet climates. The state Environment Department (NMED) is proposing that this level supplant the existing WQCC groundwater standard of 5,000 µg/L. The NMED proposed standard of 7 µg/L appears to be a reasonable level that protects public health and recognizes that kidney disease is already a problem in New Mexico, while taking into account that some groundwater in the state naturally exceeds the WHO recommended standard of 2 µg/L.

THE LEGACY OF URANIUM MINING

Why is this proposed standard important? Because it will pertain primarily to communities that have been, or could be, affected by uranium mining. New Mexico contains some of the richest uranium deposits in the world. These deposits were heavily mined during the 1950's, 60's and 70's using conventional underground and open-pit techniques—practices that have left the land and water of the Southwest contaminated with millions of tons of radioactive waste. Hundreds of mine-waste sites have not been reclaimed, and many still pose a threat to local communities and water supplies.²

RENEWED INTEREST IN URANIUM MINING IN NEW MEXICO

In addition to contamination from unreclaimed mines and tailings dumps, the drinking water quality for New Mexico communities like Crownpoint and Church Rock are threatened by proposed in-situ leach

(ISL) operations. For example, Hydro Resource Inc.'s proposed ISL mine in Crownpoint, NM, would increase uranium water concentrations by up 100,000 times current baseline, or background, levels. Once the uranium is removed from the formation, the mining company must "restore" the quality of the groundwater to the condition that existed before mining began.³ However, the ISL mining industry has been largely unsuccessful at restoring aquifers to their native state—there is always some uranium left behind in the water.

A review of uranium ISL operations in New Mexico, Texas, and Wyoming has shown that it is technically difficult, if not impossible, to restore aquifers after mining. For instance, in New Mexico, Mobil Oil operated a pilot-scale ISL project near Crownpoint for nine months in 1979-1980, and then spent six years trying to restore the aquifer. At the completion of restoration 19 of 29 contaminants had not been restored to baseline; radium concentrations, for instance, exceeded the EPA drinking water standard by nearly 12 times.

With the high likelihood of water supplies being contaminated from previous uranium mining and the potential for pollution from new ISL mining in New Mexico, it is imperative that the WQCC adopt a uranium water standard that will safeguard our aquifers for future generations.

To learn more about the ongoing controversy and to learn about what you can do to help, please contact the New Mexico Environmental Law Center. For more information about the proposed HRI mining and to see the full text of this article, please go to www.nmenvirolaw.org.

Dr. Fogarty is a physician who works with the Indian Health Service in Crownpoint, NM, and teaches public health at the University of New Mexico.

¹Some, but certainly not all, areas that have significant amounts of naturally occurring uranium have elevated levels of uranium in groundwater. For example, some water wells in Santa Fe County have uranium concentrations above 60 µg/L. However, the Crownpoint area has rich uranium deposits but sits on a very pure aquifer containing uranium levels less than 2 µg/L.

²A preliminary study by the EPA showed that approximately 20% of water supplies in former Navajo mining communities in northeastern Arizona exceeded federal guidelines for uranium in drinking water. Unfortunately, the quality of water in many New Mexican mining communities has not been similarly assessed.

³Without a stringent State standard, HRI would be allowed to restore the aquifer to the Nuclear Regulatory Commission's standard of 440 µL. This would expose an extremely vulnerable population to a known kidney toxicant, potentially worsening the current epidemic of kidney disease.

15 YEARS OF HELPING OUR NEIGHBORS PROTECT THEIR ENVIRONMENT

In the spring of 2002, Don Goldman, a long-time supporter of the Law Center, graciously volunteered to author a brief history of the Law Center. What emerged is not just a record of our past events, but a reflection on the philosophy that drives our work. We thank Don for his excellent work, and invite you to see the document in its entirety at www.nmenvirolaw.org. The following excerpt describes the Sunland Park case, when the Law Center shifted its focus from public lands work to environmental justice issues.

SUNLAND PARK

In 1991, a fundamental change happened when the Center was approached by Concerned Citizens of Sunland Park (CCSP), a local group that was opposed to a medical waste incinerator close to their homes. The incinerator was close to two schools, had no air pollution control devices, emitted odors, and was causing allergies and rashes

among members of the Sunland Park community. The Center represented CCSP in the six-day long permit hearing conducted by the State Environment Department. Arguments presented by the Law Center and others caused the department to deny the permit sought by the company operating the incinerator. (The Center also represented CCSP in a separate case on a landfill, which they lost.)

In retrospect, the Sunland Park case was a turning point for the Center. It revealed a major need for legal representation and assistance among a broad class of New Mexicans who could not pay for it: community and grassroots organizations, pueblos, and tribes that had valid issues against government or industry but had no way of presenting their cases in legal forums. The well-organized conservation groups generally had at least some access to legal aid, and were not so dependent on free assistance, but the poor and grassroots groups did not.

There was in those years the public awakening of a new idea that came to be known as "environmental justice," that society and government had no right to burden poor and minority communities with the industries, landfills, incinerators, and pollution that more affluent communities would not accept. In fact, the 1964 Civil Rights Act and subsequent regulations written by the US Environmental Protection Agency specifically prohibited environmental injustice. The Center would continue to support and represent conservation organizations, but working with community groups and Indians became the Center's mainstay. Both the substance of the Law Center's cases and its clientele changed.

The opening of governments at all levels, the new access to previously concealed government information, reports, decisions, and reports, and the federal and state laws that mandated real change, had made something new happen: citizens could now play an active, informed



role in public affairs. But all of these great improvements were of no avail if the citizen lacked a lawyer to guide him through the administrative and court proceedings. Without professional help through the legal complexities (that government agencies and private corporations were fully able to handle), citizen and community groups were no better off than had all those changes never occurred. Although the objectives and philosophy of the Center coincided perfectly with the conservation organizations, they also coincided with those of the grassroots groups, and those groups' need for free legal aid was clearly greater.

Filling this vacuum became the NMELC's role.

2002 ENVIRONMENTAL AWARDS CEREMONY



Congressman Tom Udall accepts a special achievement award from the Law Center for his work to protect the state's environment.

For more information on the awards ceremony, see our website at www.nmenvirolaw.org/awards.

Despite Jack Frost nipping at our heels, the Law Center's 2002 New Mexico Environmental Awards Ceremony was an impressive event. Held at the Hyde State Park Lodge, nestled among the pines and aspens of the Sangre de Christo Mountains, the Ceremony was graciously hosted by Jim Baca, former mayor of Albuquerque, and attorney Jill Cooper Udall.

2002 NEW MEXICO ENVIRONMENTAL AWARD WINNERS

Karl Souder Water Protection Award

Peggy Johnson, hydrogeologist for the New Mexico Bureau of Geology and Mineral Resources
Presented by Consuelo Bokum, Director of 1000 Friends of New Mexico Water Project and Emily Souder, daughter of Karl Souder

Griff Salisbury Environmental Protection Award

Sally Smith, President of Gila Resources Information Project
Presented by Jeanie Cragin, NMELC President

KESH*i* Community Environmental Advocacy Award

Zuni Pueblo, for its fight to protect Zuni Salt Lake
Presented by Michael Guerrero, NMELC Board member and Co-director of SouthWest Organizing Project

1st Robert M. Langsenkamp Award for Environmental Leadership

William deBuys, author, historian and co-founder of the Valle Grande grassbank
Presented by Geoff Webb of the Wyss Foundation

Defender of New Mexico Award

Representative Tom Udall, for his work to protect the environment of New Mexico and the United States
Presented by Douglas Meiklejohn, NMELC Executive Director

Toxic Turkey

Richard Cook, for his devastating mining practices, which have affected numerous towns and villages in northern New Mexico
Presented by Mary Humphrey, Environmental Attorney

The Law Center would like to thank the following businesses for their gracious support of the 2002 Environmental Awards Ceremony: KESH*i*, inc. • The Marketplace • the Eldorado Sun • Zeri New Mexico • Clare Hertel Communications • HurleyMedia • Ortiz Designs • Whole Foods Market • Michael Lilley, Attorney-at-law • Linda Siegle and Resources for Change • Leslie LaKind, D.D.S. • The Needmor Fund • First Affirmative Financial Network • Pagliarulo Design • Walter Burke Catering • Watson Conserves



THE LAW CENTER WELCOMES NEW BOARD MEMBER



The Law Center welcomes Joe Clarke to our Board of Directors. A partner in the Cuddy Law Firm of Santa Fe, Joe specializes in administrative law and civil litigation practice. He is certainly no stranger to many of the issues with which the Law Center deals, however, as he served as Chief Water Referee of the Rio Grande Basin in Colorado. He also worked closely with Law Center Board member Frank Sanchez to help create the Con Alma Health Foundation, the largest private health foundation in New Mexico, which

works to serve the medically underserved and uninsured population of this state.

Asked why he is willing to devote his energy to the Law Center, Joe replies that he is ready to give something back to our community by sharing his talents with the Law Center's Board, staff and clients.

One of the biggest challenges that he believes will be on his plate as a Board member is, "the fact that the Law Center and other environmental organizations will be responsible for ensuring that environmental laws are enforced, because during the current federal administration, we can't depend on government agencies to enforce them." With 15 years of experience in dealing with this very phenomenon, the Law Center knows Joe is right, and looks forward to working with him on this and other issues.

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 New Mexico Environmental 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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CONGRATULATIONS!

The Staff and Board of the New Mexico Environmental Law Center would like to extend their congratulations to our Board member Mike Lilley and to Executive Director Douglas Meiklejohn.

Mike was named Attorney of the Year by the American Civil Liberties Union of New Mexico for his work in defending the First Amendment rights of two NMSU students arrested for leafleting on campus. Because of Mike's work, the case settled and NMSU agreed to substantially rewrite its free speech policy.

Doug has been busy this fall working on the Richardson Transition Team Committee for the New Mexico Environment Department. As part of his duties to make recommendations to the Governor-elect regarding the NMED, Doug served as Chair of the Subcommittee for the Environmental Protection Division.



WELCOME OUR NEW LAW CLERKS! When Todd Lopez (left) and Chris Lindeen, third year law students at UNM, approached us this fall with an interest in water law, we figured we could give them enough water-related work to make their fingers prune. Until May, they will be assisting our attorneys on our HRI, Phelps Dodge, and Las Campanas cases.

ROD VENTURA—ATTORNEY ON A MISSION

Please join us in welcoming Roderick Ventura as the newest member of the Law Center staff. Celebrating ten years in practice this year, Rod is our new lead counsel on the Phelps Dodge, Intel, LAC Minerals, and Molycorp cases.

Rod is no stranger to the Law Center; during the late 1990s, when he worked for DNA People's Legal Services, a legal aid office representing Navajo citizens, Rod represented two intervenors in the HRI proposed uranium case.

After moving to Charlotte, North Carolina, in 1999, Rod worked for the US Equal Employment

Opportunity Commission before moving to the private sector. Fortunately for us, the long hours, low pay, lack of humidity and compelling chances to save the world lured him back to New Mexico and public interest environmental law. New Mexico is also, he says, a great place to play his accordion. Welcome, Rod!





TracyBrooks - Mission Wolf/USFWS

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*

THANK YOU!

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*Funds both the Law Center and the New Mexico Mining Act Network (which funds Law Center work on specific mining cases)

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