

2016 Impact Report

New Mexico Environmental Law Center |



2016 Year In Review:

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

By the end of 2016 we knew the road ahead was going to be a rocky one. We didn't know then just how difficult it would be. But as I write this letter in spring 2017, it's clear that our environment – and low-income communities and communities of color that often bear the brunt of environmental degradation – are going to be even more vulnerable over the next four years.

In New Mexico, we have been dealing since 2011 with an administration that favors the financial interests of industry and development over the basic protections of individual residents' health and wellbeing. We fought hard every day of 2016 to preserve protective regulations, promote safe and sustainable industry practices, and to defend the right of the public to participate in rulemaking processes.

As you'll see in our Top 10 list of case highlights through the year, we achieved a number of important successes. Environmental law is a long game. Some victories, such as the hard-won termination of the Churchrock uranium permit, are meaningful outcomes for our clients. Other successes came in the form of simply preserving the right to keep fighting. This is important, as while we are fighting, often the destructive activity we are fighting against cannot move forward.

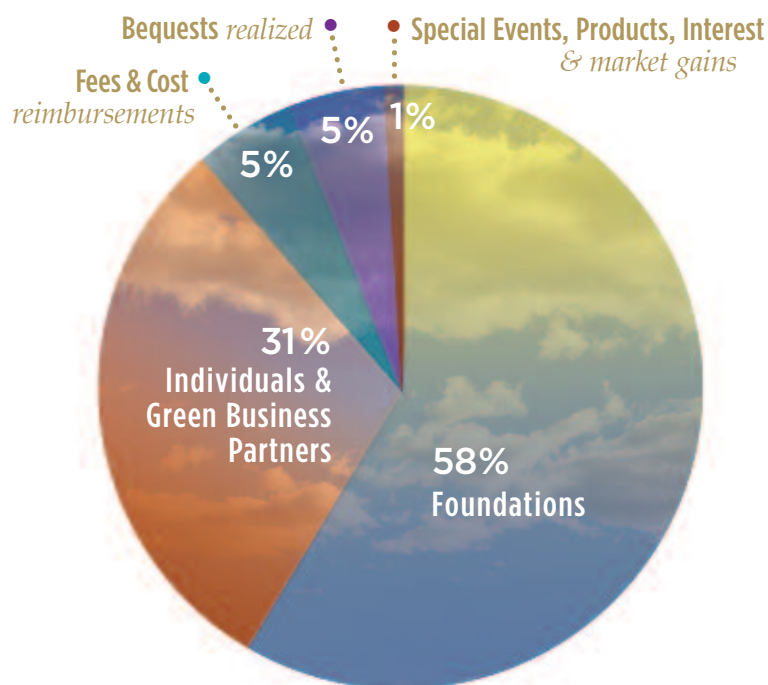
We vow to fight just as hard when rollbacks of federal regulations and decimation of protective agencies such as the Environmental Protection Agency itself threaten harm to the air we breathe, the water we drink, and the land we inhabit here in New Mexico. And we promise to keep fighting our own state administration when necessary to protect our resources and our communities as well. The fight can only happen with your support.

Thank you for making it possible.

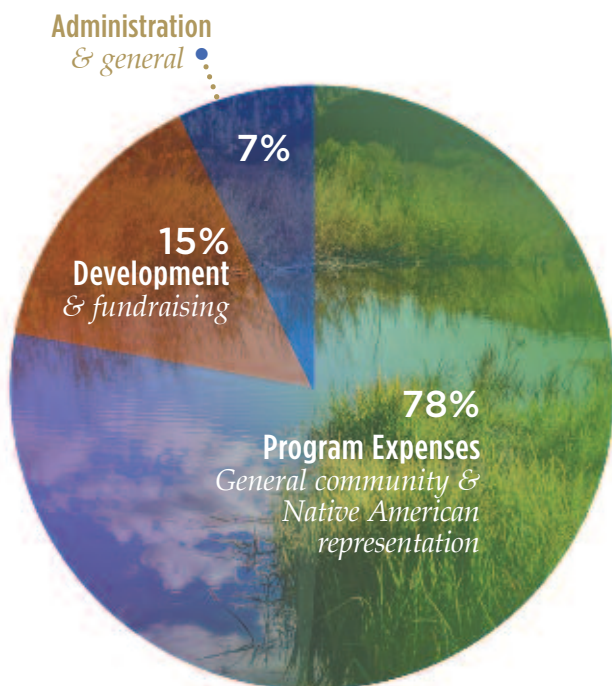
Douglas Meiklejohn
Executive Director

2016 Unaudited Financial Report (January 1, 2016 – December 31, 2016)

2016 NMELC Annual Report



Total Income: \$815,347



Total Expenses: \$935,321

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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 call (505) 989-9022.

Foundation revenue does not include multi-year grants pledged in 2016 and does not include revenue from multi-year grants booked in earlier years, as required by Generally Accepted Accounting Principles.

Impact Report **2016** Top 10 Stories of the Year

- 1** Once again, the Law Center held the line at the State Legislature! Thanks to persistent efforts by executive director Doug Meiklejohn and our many allies at the Roundhouse, not a single bad environmental bill got through in the 2016 session.
- 2** In a case that threatens drinking water for half a million residents of Albuquerque, the Law Center entered into negotiations with the US Air Force to push for expedited cleanup of more than 24 million gallons of highly carcinogenic jet fuel that was discovered in 1999 to be leaking from a facility on the Kirtland Air Force Base. The toxic underground plume is moving toward several drinking water wells. The Air Force requested the confidential negotiations after the Law Center filed intent of notice to sue on behalf of SWOP, two state senators and several Albuquerque residents.



© Photo: NMELC, Juana Colón

- 3** In a hard-fought and welcome victory, we won our case to force the State to terminate a groundwater discharge permit for a new, controversial uranium mine proposed near Church Rock, NM. Without a valid permit, mining cannot begin at the site.
- 4** In a very disappointing decision, the New Mexico Supreme Court declined to hear our appeal of the Pit Rule, which governs the storage and disposal of wastes at oil and gas drilling pits in the state. Serving as co-counsel with the New Mexico Wilderness Alliance, representing Earthworks' Oil and Gas Accountability Project, the Law Center had been fighting to overturn the Rule since it was gutted in 2013.
- 5** In a major victory for our clients fighting the proposed Santolina mega-development on the western edge of Albuquerque, the 2nd Judicial District Court denied three attempts by our opponent to get our appeals of the Level A Master Plan dismissed. As of press time, we are waiting for a ruling on our arguments against the scheme, including that the developers have not proven the project has water. Executive director Doug Meiklejohn and staff attorney Jaimie Park continue to fight approval of the next step in the developer's path, the Level B Master Plan.



© Photo: NMELC, Juana Colón

- 6** Law Center staff attorney Jon Block and our client, Nuclear Watch New Mexico, filed a lawsuit in federal court against the Department of Energy and Los Alamos National Security, the for-profit operator of Los Alamos National Laboratory, over failure to meet critical cleanup milestones under a 2005 "Consent Order" they agreed to with the New Mexico Environment Department. Our suit claims 12 violations of missed deadlines, of up to 675 days each. Our initial cost estimate of the alleged violations? \$300 million and counting!



© Photo: Nuclear Watch NM



Photo: Kirtland AFB

Photo Courtesy of SWOP



7 Bringing the (former) might of the EPA down on local polluters, the agency decided to investigate the Albuquerque Air Board for civil rights violations after Law Center staff attorney Eric Jantz and our client SouthWest Organizing Project (SWOP) filed a complaint against it for ignoring poor air quality in environmental justice neighborhoods. Following the EPA notice, the Board agreed to respond to complaints in writing and to engage in informal dispute resolution with SWOP. Since Trump took office, however, the Board has taken no substantive or meaningful steps toward addressing the problems.

8 In an Inspection of Public Records Act request related to proposed ground water regulation amendments, staff attorney Jaimie Park discovered a literal "Hit List" of protective environmental regulations that the state Environment Department had targeted for attack. Jaimie filed comprehensive comments on the proposed amendments to surface and groundwater regulations, which constitute an attempt to limit public participation in the permitting process and roll back standards for certain contaminants. A hearing will be held in the future.

9 Eight years after it began, the Law Center and our client, the Rio Bonito Preserve, closed a successful case that will help keep water running in the beautiful Rio Bonito, which flows through Lincoln County.

10 Culminating more than four years of fighting the statewide Copper Rule, the Law Center presented oral argument before the state Supreme Court. The rule, adopted in 2013, is the first regulation since the state's

In 2016, the New Mexico State Engineer gave Augustin Plains Ranch, LLC a chance to resubmit its failed application for more than 17 billion gallons of water annually. NMELC represents nearly 100 residents of west-central New Mexico in their effort to defeat the Ranch's speculative scheme.

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adoption of its Water Quality Act in 1967 that allows an entire industry to intentionally pollute groundwater. The court's ruling will set precedent for how New Mexico protects water at industrial sites throughout the state. As of publication, the court has not yet issued its decision. This was our last line of defense – until the next governor takes office...



Photo Courtesy of GRIP

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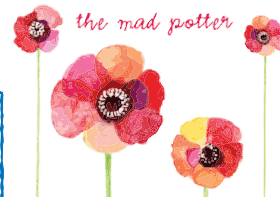
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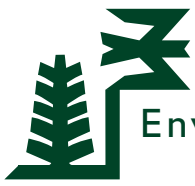
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Representation by CASE TYPE



16
Uranium Mining
& Reclamation



9
Federal Facilities
(LANL/KAFB)



5
Air Quality



5
Hardrock
Mining



4
Water Rights &
Speculation



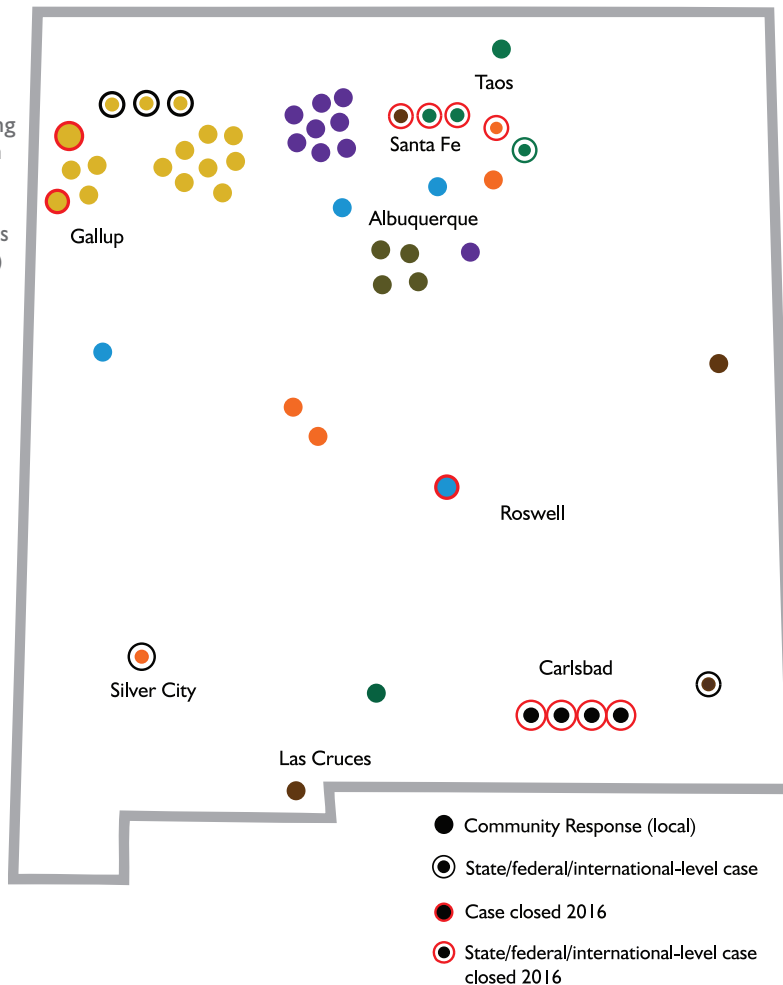
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3
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5
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Mesquite Community Action Committee
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New Mexico Health Equity Working Group
Nuclear Watch New Mexico
Oil and Gas Accountability Project
Pajarito Village Association
Red Water Pond Road Community Assoc.
Rio Bonito Preserve
Rio Grande Chapter of the Sierra Club
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Turner Ranch Properties