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from left to right:
US Attorney General Jeff Sessions;
US Secretary of Interior Ryan Zinke;
EPA Administrator Scott Pruitt;
US Secretary of Energy Rick Perry;
NM Governor Susana Martinez;
US President Donald Trump

Photography Courtesy of:
CC Gage Skidmore, (Jeff Sessions,
Scott Pruitt, Donald Trump); U.S.
Congress, Ryan Zinke; Michael
Vadon, Rick Perry; State of New
Mexico, Susana Martinez

Green Fire Report

New Mexico Environmental Law Center | SPRING 2017 YEARS



and what we're up against

It will take some time to realize the full impact of the Trump administration's anti-environmental policies on New Mexico's communities and natural resources. But we believe that there will be widespread fallout that will touch everything from the air we breathe and the water we drink to civil rights. The one thing we know is that it's going to be a tough fight for the next couple of years under two administrations (state and federal) that put little value on environmental protection.

While we work to defend our state, we know that Trump has installed leadership antithetical to agency missions, will defund agencies, slash staffing and muzzle those who remain. These are the folks who protect New Mexico's surface water; who are tasked with enforcing environmental justice; and who have been working to address climate change at the national and international levels.

In addition, federal agencies, especially the Department of Energy and Department of Defense, have created significant environmental liabilities in our state. While Trump has announced his intent to boost nuclear and

military spending, it's uncertain at this point what he will do to fix the massive contamination at federal energy and defense sites. And that's before Congress gets around to gutting federal laws.

The federal government doesn't regulate everything, however. *New Mexico employees handle many environmental matters: groundwater quality, air quality and hazardous waste are just some of the issues under their jurisdiction.* For the past six years, the Martinez administration has worked hard to weaken environmental protections and erode the public's ability to participate in decision-making. And it's about to get worse, currently the New Mexico Environment Department receives 27% of its \$79 million annual budget from the federal government. Amidst the uncertainty, what we do know is that public interest lawyers play an important role in times like these. As we've seen with Governor Martinez, politicians have a habit of adopting unconstitutional policies and regulations. The Law Center gives New Mexicans the ability to challenge them when they do.

TRUMP'S REACH >



Credit: Los Alamos National Laboratory



Credit: Multicultural Alliance for a Safe Environment



Credit: Albuquerque Bernalillo County Water Utility Authority



Credit: SouthWest Organizing Project



Credit: NMELC



Credit: Gila Resources Information Project

LOS ALAMOS NATIONAL LABORATORY: Trump is promising to grow the nuclear weapons program, but it's unlikely he'll kick in the nearly **\$3 billion needed to clean up existing waste** at the Lab that already threatens regional drinking water and air quality.

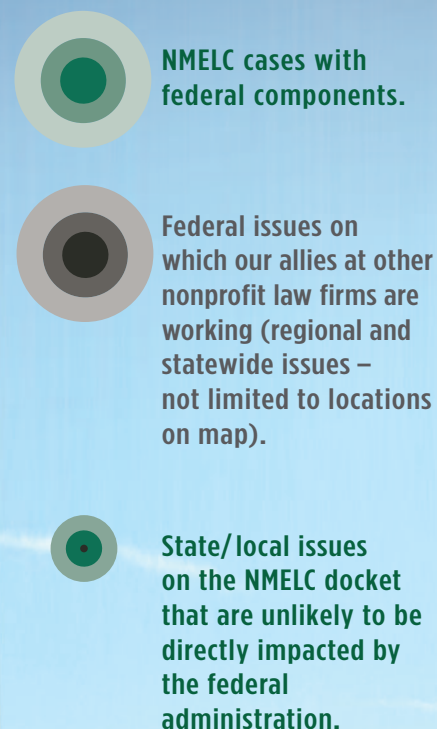
URANIUM MINING: While we remain doubtful that Trump can provide the nuclear renaissance that mining companies are looking for, he can pressure the Forest Service and Bureau of Land Management to **ram through mining permits** that could prove troublesome for communities in the future.

KIRTLAND JET FUEL SPILL: 24 million gallons of highly carcinogenic jet fuel is migrating through Albuquerque's aquifer toward drinking water wells. Will Trump's Air Force better address this massive threat? We (and more than a half-million Burquenos who want healthy drinking water) hope so – but we'll fight if it's not.

BETTER AIR QUALITY FOR ALBUQUERQUE: Regulators from Albuquerque and Bernalillo County continue to unapologetically approve air polluting facilities in low-income neighborhoods of color. In the summer of 2016, the **EPA agreed to investigate a 2014 civil rights complaint** filed by the Law Center and its client, the SouthWest Organizing Project, but it may have been too little, too late. We will continue to fight for better air quality at the local level.

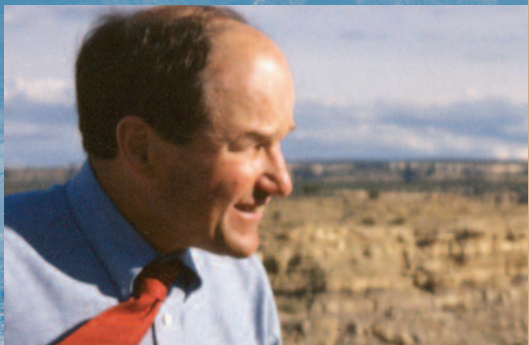
SAN AUGUSTIN WATER GRAB: Is Trump planning to meddle in an Italian billionaire's speculative scheme to suck up 17 billion gallons of water each year from Catron County? Perhaps. A water pipeline proposed by Augustin Plains Ranch, LLC appeared in a hastily retracted list of infrastructure projects attributed to the White House in January.

HARDROCK MINING: We hope that federal land managers will stand up for our public lands in coming years, but our challenges will be even greater for sites like the ill-advised **Copper Flat mine** near Truth or Consequences, despite its likely impacts on the Rio Grande. Oil & gas drilling and pipelines also are likely to crop up on public lands near you under the Trump administration.



*Thank you for making our work possible,
especially now. With your help, we'll do everything
in our power to protect New Mexico's
people and places.*

A 30th Anniversary Proposal from our Director



I started the New Mexico Environmental Law Center in response to the election of a State Attorney General who had no interest in protecting our environment; 30 years later – long after his term ended – the Law Center is going strong. In fact, because of your support, we have challenged scores of officials (and companies and schemes) who would endanger our most vulnerable communities and vital resources. Together, we have made a real difference for our state's people and places.

I thought that when Governor Martinez was elected, the Law Center was facing its greatest executive challenge. Her very first executive order tried to prevent the printing of regulations limiting greenhouse gas emissions – and since then her administration has not let up on its anti-environment, anti-science, anti-public agenda. Given our new president's actions and appointments to date, however, I think I was wrong about the governor.

But there is something that we can do, right now, to prepare for the future. In the face of adversity, the Law Center seeks to become an even stronger force for the public interest in our state. That is why we are undertaking the NMH₂O Campaign during our 30th year. This year, we are raising funds to hire an experienced water attorney, a recently graduated water fellow to mentor in public-interest water law, and a paralegal to help all of our attorneys accomplish more. With threats from climate change, privatization, and legalized pollution, water is threatened today in our state like never before. We need great lawyers who will focus on its protection, and who will develop solutions to protect our rural communities and our urban communities and their drinking water supplies.

The price tag? Roughly \$150,000 for year 1 (starting in 2018). I'm pleased to say that we've already been given the opportunity to obtain a \$50,000 challenge grant, and now I need to ask for your help to get the rest of the way.

I am humbled by the trust you have placed in the Law Center and me. Together, I am optimistic about what we can do in a time that will threaten our people and our resources. If you would like to contribute to this campaign, or can help, please contact Elizabeth Lee, Director of Philanthropy, at (505) 989-9022.

Thank you.

Yours truly,
Doug



Rio Bonito Photo Courtesy of Summitpost.org

*"But there is something
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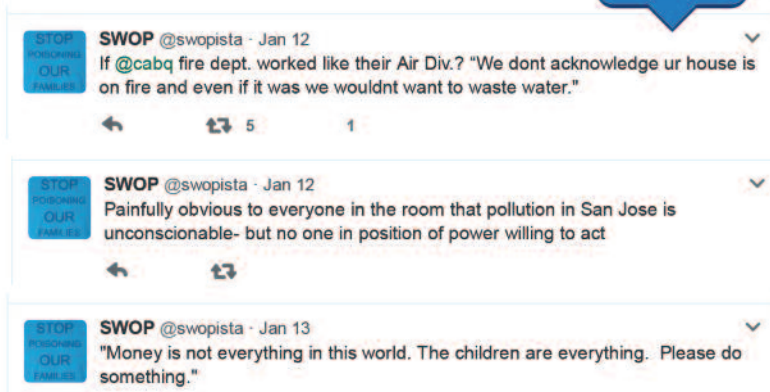
1% of Population – 28% of Air Polluters – 0% of Regulators Who Care

Your support helps residents challenge bulk fuel facility permit to pollute

CLIENTS: SouthWest Organizing Project (SWOP) and Esther and Steven Abeyta (San Jose residents)



For years, the Law Center, our clients, and others have fought a prevalent practice by the Albuquerque-Bernalillo County Air Quality Board (Board) and the Environmental Health Department (EHD) to permit air polluting facilities in low-income neighborhoods of color. *(Clients, Esther and Steven live in the San Jose neighborhood, which is home to 1% of the County's population but 28% of the County's air pollution permits. Other neighborhoods affected by this practice include Mountainview in the South Valley of Albuquerque and the Greater Gardner neighborhood of the North Valley.)*



In January, Staff Attorneys Eric Jantz and Jon Block represented SWOP and the Abeytas in a hearing on a permit granted to the Honstein Oil Co. for its 6,000 gallon bulk fuel facility in San Jose. (EHD argued strenuously against the granting of the hearing.) Key to our case is this point: under the **Air Quality Control Act**, EHD is required to take into account “cumulative impacts” from multiple sources of air pollution in a neighborhood when determining if a new facility or expansion would exceed air quality standards. EHD denies that it is required to do so, and even denies that there is poor air quality in these neighborhoods, despite significant anecdotal evidence and data from citizen air sampling. SWOP streamed the hearing on Facebook, and its staff tweeted their impressions of the hearing. We submitted our closing arguments in March, and are awaiting a ruling.

A Win for Water in Central New Mexico

Eight years after it began, the Law Center and our client, the Rio Bonito Preserve, closed a case that will help keep water in Lincoln County's beautiful Rio Bonito. The Law Center took over the case from private attorney Ed Neville, and assisted our clients in negotiating a settlement that will lead to a regional water solution.

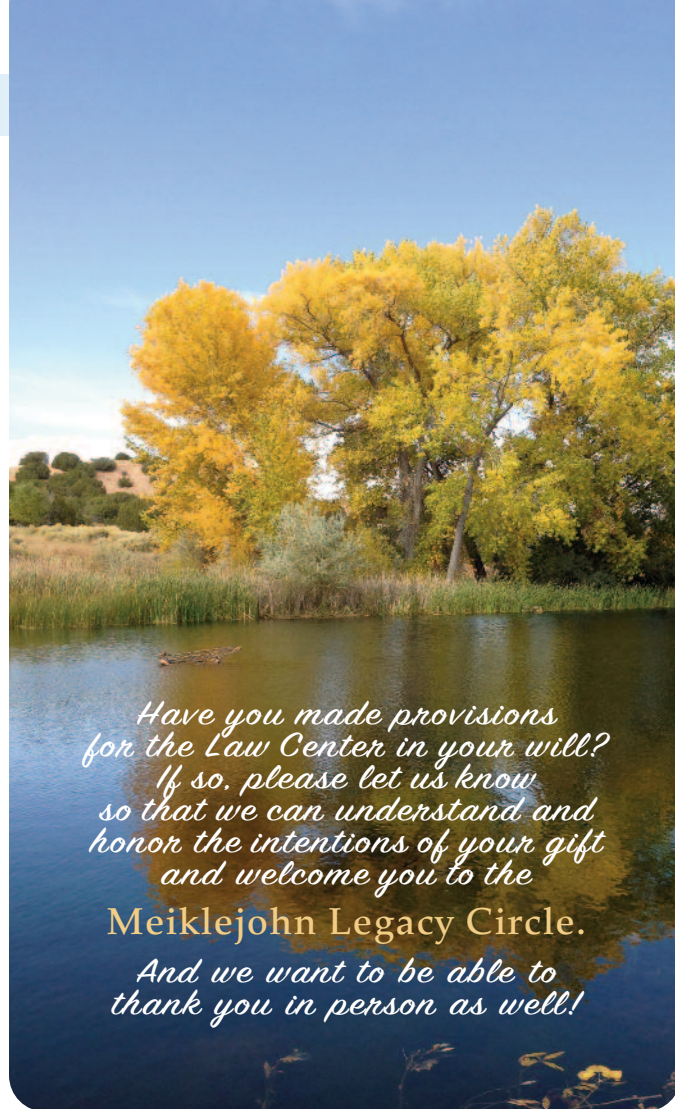
Rio Bonito Preserve's President Reginald Richey said at the end of this lengthy process, “Our small group is forever grateful to the Law Center for representing us in these important issues and know that without the legal guidance provided by Ed and Law Center Attorneys Bruce Frederick and Jon Block, our advocacy on behalf of the Rio Bonito would likely have gone unheard.” **For more information about the nuts and bolts of this case, see nmelc.org.**

Thank you, Bonnie

Longtime friend of the Law Center, Frances (aka Bonnie) Jacobs passed away in September of last year. Bonnie was the beloved partner of Dale Pontius (who survives her), who served as a Board member of the Law Center for four years. According to an obituary in the Santa Fe New Mexican, Bonnie was born in Asheboro, NC, and grew up in Southern California; she obtained a BA with honors in Art History at Hollins College in Roanoke, VA, and later in life served as a museum curator and also worked with many nonprofit organizations.

In great generosity of spirit, Bonnie provided for the Law Center with a surprise bequest from her IRA, and we are honored to include her name as a member of the **Meiklejohn Legacy Circle**. Her significant gift will make a major difference in fighting on behalf of communities throughout the state to safeguard their air, land and water. We are deeply grateful to Bonnie for her friendship and support.

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*Have you made provisions
for the Law Center in your will?
If so, please let us know
so that we can understand and
honor the intentions of your gift
and welcome you to the
Meiklejohn Legacy Circle.
And we want to be able to
thank you in person as well!*

Photo courtesy of Marjorie Kamine

Welcome! **Janiece Jonsin Joins the Law Center**

We're thrilled to welcome Janiece Jonsin to the Law Center family. Janiece is our new Administrative Assistant – the first formal office support that the Law Center has had in 8 years! Janiece will be taking a giant load of paperwork off the shoulders of our attorneys; she'll also be the smiling face at our front desk and the first person you hear when you call our office.

Janiece grew up in Idaho riding horses and backpacking, but she has lived in several states since. Her education began with a business degree, but she soon turned to journalism at the University of Georgia, where she revitalized the campus magazine as an undergrad. Georgia, like Silicon Valley, was an early high-tech center and there Janiece discovered her passion for technology, which led to co-founding a successful software company in 1984. After a stint in California, she moved to Santa Fe, and in 1994, she started the foodie magazine, *Local Flavor*. She has been an activist for many social causes, but from the first Earth Day, her desire to protect the environment was ignited. She says it is an honor and true calling to be a member of the team at NMELC.

Welcome, Janiece! We're so glad you're here.

Photo courtesy of Janiece Jonsin



2017 New Mexico
Environmental Law Center
Green Business Partners

For more information about our Partner program, contact Elizabeth Lee at 505.989.9022 x18, or elee@nmelc.org.



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See you at Sweetwater in March!

Still savoring their Souper Bowl win in late January, Sweetwater Harvest Kitchen is honoring the Law Center with a donation of 2% of all cash proceeds through the month of March! Sweetwater took awards for **Best Overall Soup** and **Best Savory Soup** this year with their Thai-Cambodian Coconut Chicken Soup crafted by Chef Nath. The menu features “responsibly-produced” seasonal ingredients and regional beer and wine selections.

1512 Pacheco St., Santa Fe • sweetwatersf.com • 505.795.7383



Sweetwater Harvest Kitchen

will donate 2% of every cash purchase in March to NMELC. Let's eat!

www.sweetwatersf.com



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Coming soon to a "city" near you...

Come tell us how we're doing, how YOU'RE doing, and celebrate with us 30 years of fighting to protect New Mexico's air, land, water and communities. We'll be hosting gatherings in Taos, Silver City, Las Cruces, Albuquerque and Santa Fe, so watch your mailbox for an invitation to a gathering near you.

Save the Date!

OCTOBER 7, 2017

yeslab.org

The Yes Men are Coming

*to celebrate 30 years of
fighting for environmental
justice in New Mexico*

Stay Tuned.

For sponsorship opportunities,
contact Elizabeth Lee:

505.989.9022 or
elee@nmelc.org



The Yes Men are a culture jamming activist duo and network of supporters created by Jacques Servin and Igor Vamos. Through actions of tactical media, the Yes Men primarily aim to raise awareness about problematic social and political issues. To date, the duo has produced three films: *The Yes Men* (2003), *The Yes Men Fix the World* (2009) and *The Yes Men Are Revolting* (2014). – Wikipedia