

# GreenFireReport

SPRING 2015

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](http://nmelc.org)

Law Center attorney Jon Block takes on the fracking industry.



## Fracking Pipeline Pulled

**With the Law Center, an energized community has an attorney in its fight against gas giant, Kinder Morgan.**

For nearly a year, the Law Center Staff Attorney Jon Block represented *Resistiendo*, a Mountainair-based grassroots group, in its effort to prevent the construction of a pipeline through central New Mexico. The pipeline would have carried carbon dioxide from Arizona to West Texas for fracking, and was slated to cross public and private lands near the historic Salinas Pueblo Missions. Kinder Morgan, a transnational energy infrastructure company, pulled the plug on the project in January, citing the soft oil and gas market. However, we agree with our clients that aggressive advocacy against the project helped bring about its demise.

**"It's in the Deep-Freeze."**  
That's how Kinder Morgan unofficially described the status of the Lobos CO2 pipeline to the Bureau of Land Management. And *Resistiendo* could not be happier!

– *Resistiendo* website

To find out more on the Lobos Pipeline, please see [www.resistiendo.org](http://www.resistiendo.org).



The proposed pipeline would have passed near the church at Abó, one of the Spanish-era ruins at Salinas Pueblo Missions National Monument; Puebloan sites along the route stretch back thousands of years.

- Legend**
- Proposed Lobos Pipeline
  - Proposed Cortez Loop
  - Cortez CO2 Pipeline
  - Bureau of Land Management
  - Bureau of Reclamation
  - Department of Defense
  - State Game and Fish
  - Fish and Wildlife Service
  - Tribal
  - National Park Service
  - State Park
  - State
  - Forest Service
  - Department of Agriculture
  - Department of Energy

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# East Mountains Water Grab Denied

*Would the Aquifer Science water grab have been stopped without you?*

Without tenacious neighbors and their stalwart public-interest counsel, would the State Engineer have turned down Aquifer Science LLC's speculative water application for the East Mountains? Unlikely!

Law Center members made it possible for Staff Attorney Bruce Frederick and *pro bono* co-counsel Paul Hultin to spend months on the highly technical hearing. Our team argued that the Sandia Basin has been fully appropriated for decades, and has no more water to spare for new developments.

Agreeing with our argument (and disagreeing with his staff), State Engineer Scott Verhines denied the application for 717 acre-feet/year in November 2014 on the grounds that the Basin has been fully appropriated.

Aquifer Science LLC, (a part of the Vidler Water Company, which specializes in the privatization of Western water resources) has appealed the decision to state district court; with your support we will continue our challenge of this ill-advised project in state court later this year.



*At the hearing, Bruce Frederick and Paul Hultin discuss an exhibit with Bernalillo County hydrologist Daniel McGregor.*

© Photo courtesy of Juana Colón

## Italian Water Grab Enters Phase III

As a billionaire, Italian Bruno Modena doesn't have to worry about legal fees in his bid to disregard the Anti-Speculation doctrine that has been part of New Mexico water law for over 100 years. Fortunately the people of Datil, don't either – but for a very different reason. Since 2008, the Law Center's donors have made sure that we could provide free legal representation to residents of the Augustin Plains in their effort to prevent the state's most contested water grab.

Despite victories over two speculative water applications, our fight is not yet over. In December, newly appointed State Engineer Tom Blaine dismissed the second flawed application submitted by Modena's Augustin Plains Ranch, LLC just months after it was submitted.

The Ranch has now turned in a third application which contains the same major flaws as the first two: mainly, it names no particular place or purpose or beneficial use for the 54,000 acre-feet it intends to appropriate. The Law Center, with your support, will continue to fight this project. We'll keep you informed as to what happens next.

*With its applications knocked down twice, Augustin Plains Ranch tries again under a new State Engineer.*

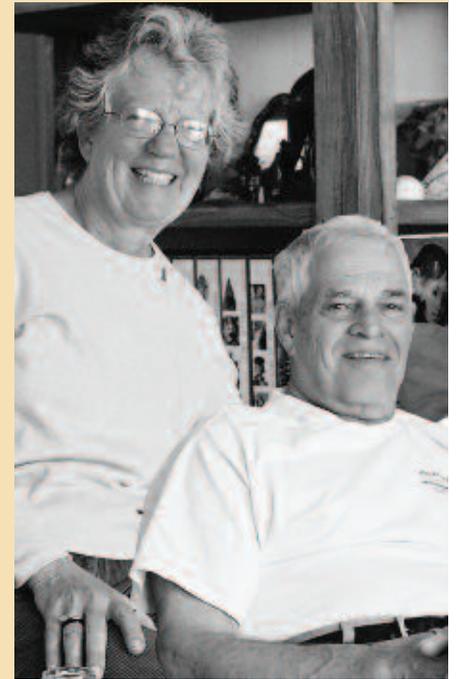
**Former Staff Attorney Bruce Frederick with Snow White in Datil, NM; Bruce headed our Augustin Plains water grab case until February 2015. (No dogs were harmed in the making of this photograph.)**

© Photo courtesy of Cole Merrick



## Goldman legacy gift

It is always difficult to say the last goodbye to dear friends, and we had to do so several times in 2014. With the passing of Don and Lorraine Goldman within six months of each other last year, it was especially hard. Their memory lives on with us in their many years of friendship and support.



© Photo courtesy of Annie Boutlay

Don and Lorraine were extremely generous with their time, energy, ideas, and humor, and even in passing have been very generous to the Law Center and many other organizations by leaving a significant bequest. We thank them again for their vision, which will continue to help sustain our work on behalf of New Mexico's natural resources and communities.

**If you are interested in letting your story live on through a bequest to the New Mexico Environmental Law Center, please contact us.** If the Law Center is already included in your will, trust or other estate plans, thank you! Please let us know about your plans. We'd like to be able to give you our heartfelt thanks while we can, and make sure we understand the intentions of your lifetime gift. Call or email Elizabeth Lee in the Development Office and she will add your name to the Legacy Society. (Of course, you may remain anonymous, if you prefer.)



Thanks again to each and every one of our donors who contributed to the Law Center between November 1 and December 31 – your contribution was integral to us obtaining a \$35,000 challenge grant from the EMA Foundation, which required a 100% match from our members. With these funds we'll continue fighting for clean air, clean water, and healthy communities for New Mexico in 2015!



## EPA to Overhaul Outdated Uranium Regs

*Our donors are making sure that New Mexicans' concerns will be heard.*

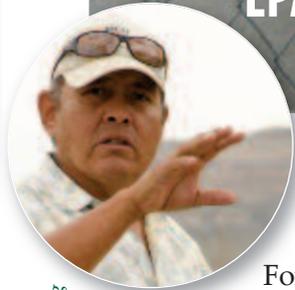
For decades, Law Center supporters have made it possible for our attorneys to represent Navajo residents in their fight against unsafe uranium mining slated for their communities. This mining includes *in situ* leach (ISL) mining, which would mobilize uranium and other heavy metals into aquifers – including an aquifer that the Navajo Nation has identified as a “likely future source” of drinking water.

For the first time, the U.S. Environmental Protection Agency (EPA) is weighing regulations that would help to protect groundwater in New Mexico and throughout the nation from toxic ISL mining contamination. *But the regulations don't go far enough.* That's why Staff Attorney Eric Jantz, who's been working on uranium mining casework since 1998, is joining the Natural Resources Defense Council, the Powder River Basin Resource Council and others to comment on the rules. We'll publish Eric's comments later this spring.

## Law Center bids farewell to Attorney Bruce Frederick

For more than seven years, Bruce did amazing work at the helm of the Law Center's water casework, serving as lead counsel on the Augustin Plains Ranch and Aquifer Science water grabs; the Copper Rule and our work on the Freeport McMoRan copper mines; New Mexico's short-lived greenhouse gas regulations; and the Santa Fe County oil and gas ordinance, to name a few. As of February, Bruce is working for Santa Fe County...we wish him well in his new endeavors!

Churchrock resident and NMELC client Larry J. King





*"The sweetest way to protect New Mexico!"*

Fresh, indulgent, New Mexico organic chocolate recipes:

- milk chocolate & pecan
- dark chocolate & red chile, and
- pure dark chocolate!



Order at [nmelc.org](http://nmelc.org) or pick some up at Collected Works Bookstore in Santa Fe.



This newsletter project was printed on a 100 lbs. of NEW LEAF Reincarnation Matte paper, made with 100% recycled fiber and 100% post-consumer waste and manufactured with electricity that is offset with Green-E® certified renewable energy certificates.

**Save the Date!**

*Saturday, September 12, 2015*

**NMELC to Host**

★ **WILD & SCENIC FILM FEST** ★

We're thrilled to announce that the Law Center has once again been selected to host the Wild & Scenic Film Festival. If you were able to join us last year for our inaugural effort, we hope you had a great time. This year promises to be even better!

We're looking for event sponsors, volunteers and donations of select goods and services for our silent auction. Last year we raised over \$5,000 with the generous (and beautiful) items donated for auction.

Please contact Elizabeth Lee, Director of Philanthropy, if you have something to offer or would like information on event sponsorship packages.

**Saturday, September 12th at Santa Fe Farmers Market**

Details forthcoming!

Email [elee@nmelc.org](mailto:elee@nmelc.org) or call (505) 989-9022.

