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“Save the Date! Saturday, September 12, 2015

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Details forthcoming!
Email elee@nmelc.org or call (505) 989-9022.

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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, 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.

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As a billionaire, Italian Bruno Modena doesn’t have to worry about legal fees in his bid toappropriate the Ace Speculation doctrine that had 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.

Italian Water Grab Enters Phase III

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!

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.)

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Thank You!

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!
Fracking Pipeline Pulled

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To find out more on the Lobos Pipeline, please see www.resistiendo.org.

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