

NMELC 2019 UNAUDITED FINANCIAL REPORT

TOTAL INCOME:

• Foundations	918,074	62%
• Individuals, Bequests & Green Business Partners	491,690	33%
• Fees & Cost reimbursements	20,967	1%
• Interest & Market gains	58,170	4%

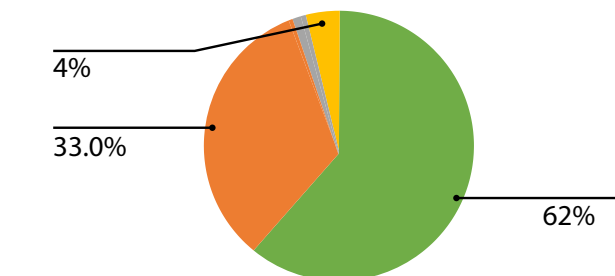
TOTAL INCOME: 1,488,900 100%

TOTAL EXPENSES:

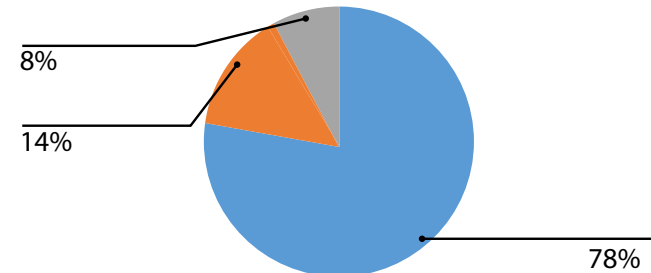
• Program expenses, general community & Native American representation	873,549	78%
• Development & Fundraising	160,284	14%
• Administration & General	89,175	8%

TOTAL EXPENSES: 1,123,008 100%

NMELC 2019 INCOME



NMELC 2019 EXPENSES



Foundation revenue includes Contributions Receivable and multi-year grants pledged in 2017 though coming in future years. If you have any questions about our accounting, please contact Yana Merrill, Director of Administration and Finance, at ymerrill@nmelc.org or (505) 989-9022.



NMELC is the only nonprofit environmental justice law firm in New Mexico. Everyday, we work hard to protect vulnerable communities. Thank you for your continued support.



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THANK YOU

for your support this year!



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Impact Report 2019



NEW MEXICO
Environmental Law Center

Dear Friends,

At the end of December, 32 years after founding the Law Center, Doug Meiklejohn moved from his position as Executive Director to become Founding Director. We all owe Doug a huge debt of gratitude for his decades of work founding the Law Center and building it to the force it is today, an achievement that was recognized when he received a Santa Fe Living Treasure award in late 2019.

This leadership transition ushers in a momentous new era for the Law Center. We have started the search for a new Executive Director to lead the Law Center into the future, and are hiring two staff attorneys. In addition, the board and staff have taken the first steps toward incorporating a greater focus on inclusion and diversity. Environmental justice has been our mission for nearly 30 years, but we realized the need to be more intentional in developing internal diversity and equity policies to help better reflect external diversity and equity work and to improve our partnerships with clients and partners across the state.

Meanwhile, the past year brought significant legal developments as well. The collective effort of Law Center attorneys and our clients forced the Mt. Taylor zombie uranium mine to finally close and begin reclamation. We began working with local communities and statewide organizations to resist a proposed mining exploration project in the upper Pecos watershed. Finally, we had two successful outcomes to years-long challenges to attempted corporate water grabs when judges denied both the Aquifer Science permit application in the East Mountains near Albuquerque and the Augustin Plains Ranch application in Catron and Socorro Counties.

Your generous support has made all these significant developments possible. Thank you.

Sincerely,

Eric Jantz
Interim Executive Director

NMELC Board of Directors

Ramon Padilla
President, Las Cruces

Johana Bencomo
Vice President, Las Cruces

Stuart Bluestone
Secretary, Santa Fe

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Ohkay Owingeh

Renee Ingold
Fallbrook, CA

How you made a difference in 2019

Your generosity made it possible for us to work on these important cases

LAND

The Law Center started and ended 2019 with two important uranium mining-related cases. In January, on behalf of the **Red Water Pond Road Community Association**, we filed a report with the United Nations Human Rights Committee, arguing that the United States’ response to cleaning up historic uranium mining and processing waste and permitting new uranium mines violates the International Covenant on Civil and Political Rights (ICCPR). Then, in December, in a stunning victory for Native communities, Rio Grande Resources, owner of the **Mt Taylor uranium mine**, notified the state Mining and Minerals Division that it would cease mining operations and soon begin closure plan activity. Unfortunately, some of the damage to the area around this site is irreversible. (Clients: Multicultural Alliance for a Safe Environment and Amigos Bravos).



Residents pack the Upper Pecos Watershed Association office in June 2019 to discuss the Tererro mine. Photo: NMELC staff

New World Cobalt submitted an application in June for exploratory mining for copper, zinc and gold at the proposed **Tererro Mine** north of Pecos. We worked with our client, the Upper Pecos Watershed Association, to submit comments on the application requesting stringent pollution prevention measures and have been working closely with other environmental and wildlife organizations to develop strategies that get out ahead of any eventual mining activity.

AIR

The Law Center has several air quality cases in the South Valley of Albuquerque and Bernalillo County. The most significant of these is a **Title VI Civil Rights Complaint**, which the SouthWest Organizing Project filed in 2014 with the US Environmental Protection Agency against the City and County. The complaint asserted that local decision-makers have marginalized minority communities, exposing them to “an unequal burden of air pollution and the concomitant adverse health effects.” The complaint is now under negotiation with the City. Mediation could result in a process for a community-specific air quality monitoring program, a cumulative air impacts ordinance, and an environmental justice ordinance.

After President Trump eliminated the Obama-era Methane Rule for oil and gas operations on federal land, Governor Lujan Grisham established an Advisory Panel to clarify technical issues associated with an eventual **state methane rule**. The Law Center was represented on the panel, which issued a technical report at the end of 2019, and we will help draft the new rule and ensure effective public comment.

WATER

As part of the Trump administration’s war against environmental and health regulation, the US Environmental Protection Agency (EPA) proposed a change to the **“Waters of the United States” (WOTUS) Rule**, which defines what waters are protected by the federal Clean Water Act. The Law Center wrote extensive comments on the proposed rule. In early January 2020, the EPA published the final rule, under which the vast majority of surface waters in the state will lose all federal protection against pollution. The Law Center is likely to join one of the many law suits that will be filed in this matter. (Clients: Amigos Bravos & Gila Resources Information Project).

In May, we sent a Notice of Intent (NOI) to sue to the US Air Force over its handling of groundwater contamination from the **bulk fuel leak at Kirtland Air Force Base**. Discussions with the Air Force stalled and in February 2020, the Law Center filed suit against the Air Force. In a separate case, the Law Center’s clients filed an Amici Curiae – “Friends of the Court” – brief supporting the New Mexico Attorney General and the New Mexico Environment Department litigation to get the Air Force to conduct prompt cleanup of per- and polyfluoroalkyl substances (**PFAS) at Cannon Air Force Base and Holloman Air Force Base**. (Kirtland clients: SouthWest Organizing Project, New Mexico Voices for Children, State Senator Antoinette Sedillo Lopez, State Senator Mimi Stewart, State Representative G. Andres Romero, and three individual residents of the impacted area; PFAS clients: the above three state legislators).

Thanks to your support, we have had success with an issue that will become more common as climate change affects surface water availability: groundwater withdrawal permit applications. In January, a State District Court judge denied the groundwater pumping application of **Aquifer Science in the East Mountain area** of Albuquerque. The judge ruled that over 100 domestic wells would be impaired by the proposed pumping and – importantly – that the Applicant and the Office of the State Engineer (OSE) did not consider climate change science and the impact of future drought. In a subsequent ruling on cost recovery, a judge found that the OSE was liable for part of the cost for expert witness fees and related costs. Both Aquifer Science and the OSE have appealed. Our clients won another victory in the 12-year struggle against **Augustin Plains Ranch (APR)** for a State Engineer permit to withdraw 17 billion gallons of groundwater annually. Both APR and the OSE have appealed. New Mexico Copper Corporation (NMCC) sought to acquire water rights for use at a proposed copper mine near Hillsboro, NM. A December 2017 court decision on the Copper Flat Mine Water Rights Adjudication significantly limited the amount of water available to the mine. In April 2019, we filed a cross-appeal, arguing that the original decision needed to go further and find that the claimants have no available water rights. (Aquifer Science clients; more than 50 individuals; Augustin Plains Ranch clients: nearly 100 ranchers, farmers & other property holders; Copper Flat Water clients: Hillsboro Mutual Domestic Water Users Association).

We appealed the Water Quality Control Commission’s (WQCC) newly adopted **Water Quality Act Variance Rule** with the New Mexico Court of Appeals, arguing that the new rule violates several aspects of the New Mexico Water Quality Act, in part by limiting public participation and by granting variances in perpetuity. (Clients: Amigos Bravos & Gila Resources Information Project).

In June, the Water Quality Control Commission (WQCC) supported our Motion to Vacate and Remand the Petition for Review of groundwater **discharge permit DP-1132 for Los Alamos National Laboratory’s (LANL) Radioactive Liquid Waste Treatment Facility**. The Motion was based on the fact that the Hearing Officer, at the time of the hearing on the permit, had a job application at LANL and subsequently was hired by the Lab. We are also nearing the end of a case involving the **2005 Consent Order between the NMED and LANL management**. Under the Order, LANL missed multiple deadlines and accrued potentially \$300 million in fines. Governor Martinez’ Environment Department adopted a new Consent Order in 2016 that lacked deadlines or enforcement mechanisms for cleanup. We sued and a federal District Court judge allowed the case to move forward, including possible civil penalties, stating that neither the Department of Energy nor Lab management had been able to document that violations had stopped or that they would not occur in the future. (DP-1132 clients: Communities for Clean Water; Consent Order client: Nuclear Watch New Mexico).



Aerial photo of LANL. Photo: LANL/DOE

Thank you for protecting New Mexico’s land, air, water and communities!