NMELC staff recently gathered in our Albuquerque office for an Operations Planning session facilitated by Everette Hill. We ate lunch, exchanged holiday gifts then dove into planning for 2023.

Photos by Susan Schuurman
Welcome to Kourtney Andar, 
NMELC's New Operations Director!

We are excited to announce that Kourtney Andar has joined the NMELC team as our new Operations Director!

Kourtney has a strong background in social justice organizing and nonprofit operations. He will be serving in a key role in support of our entire organization. Learn more about Kourtney below. Welcome on board, Kourtney!

Kourtney Andar
Director of Operations

Kourtney Andar is a writer, activist, and social justice educator. He has trained hundreds of people on violence prevention, pro-feminism, environmental justice, and transformational leadership. He is a co-facilitator for Prospera Partners in Santa Fe, and is a former board member of Veterans For Peace, where he led membership recruitment efforts, served on the executive committee, and led convention workshops. At the University of Missouri-Columbia, Kourtney co- advised a male ally program and sexual violence prevention student organization and assisted with implementing a comprehensive bystander intervention program. He was a featured speaker at the 2014 Earth At Risk: The Justice & Sustainability Conference in San Francisco. Kourtney is a published author, and his articles are available on several activist websites. He grew up in Illinois, served five years in the Army National Guard, and moved to Santa Fe with his wife in July 2016.
NMELC's Legislative Priorities for 2023

As many of you are well aware, the 2023 Legislative Session is already underway. During this 60-day session we are focusing our efforts on three bills that we have supported in previous years: A "Bad Actor" bill that would enable state regulators to deny or suspend a permit for environmental violations; Private Right of Action that would allow for citizen suits for environmental violations; and the Green Amendment (GA), a proposed Constitutional Amendment which would allow the right to a clean and healthy environment to be put to New Mexico voters. The GA is Senate Joint Resolution SJR 6 and HJR 4 in the House. More details on these three important bills are below.

The three bills, if passed, would serve as important tools to strengthen our ability to protect our air, water and land as well as community health.

This bill would amend the Oil and Gas Act to grant the Oil Conservation Division the authority to deny, suspend, or revoke a permit of any entity
-who has a record of violation of state or federal environmental laws;
-who fails to prove fiscal solvency;
-who fails to provide proof of third-party environmental insurance.

(2) “Private Right of Action” (sponsored by Rep. Matt McQueen)
This bill would amend the Oil and Gas Act, Air Quality Control Act, Water Quality Act, Solid Waste Act, and Hazardous Waste Act to
-allow for any person who is injured or imminently threatened with injury ("economically or otherwise") to bring civil action against anyone for alleged past or present violations of relevant environmental statute(s); it is intended to complement, not to replace or challenge, agencies' enforcement obligations.

- The Green Amendment proposes to amend the state's Constitution by providing the people of the state with environmental rights, including the right to a clean and healthy environment and the right to protection of the environment.
- The Green Amendment would amend the New Mexico constitution to elevate environmental rights to the same level as other civil rights we're all familiar with, such as freedom of speech, due process, and freedom of religion
- A New Mexico Green Amendment would constitutionally mandate that state government officials protect the environmental rights of all residents equitably, including future generations. The self-executing amendment will allow legal redress when these rights are violated by government action;
- The Green Amendment must go through both the Senate and the House before it can go to the people of New Mexico for a vote.
Private Right of Action and Bad Actor are being led by Earthworks, and other groups involved in developing the bills including the Western Environmental Law Center and the Coalition for Clean and Affordable Energy. Community advocacy and frontline organizations that support these bills to date include Citizens Caring for the Future (CCFF) and Interfaith Power and Light. NMELC is lending support to these two bills because we believe that they will help our clients and other communities resist industry’s continued polluting of New Mexico’s air, land, and water.

The Bad Actor bill will give State agencies the courage and legal authority to say “NO!” to repeat offenders in the oil and gas industry and to those who, because of financial instability or lack of insurance, will predictably bail on their obligations to run clean operations or to repair environmental damage, leaving New Mexico communities stuck with the bill. It’s important to note that, while the Oil and Gas Act does not currently contain a “bad actor” provision, several other State laws do have such provisions, including the Air Quality Control Act, the Water Quality Act, the Hazardous Waste Act, and the Solid Waste Act. We believe that it’s inexcusable that the Oil and Gas Act currently has no similar provisions.

In addition, the Private Right of Action bill will allow communities who have been harmed—or will imminently be harmed—to bring lawsuits against polluters when State agencies are not adequately addressing environmental violations. This type of law is common among federal environmental laws as well as in the New Mexico Mining Act.

We hope that state agencies support the Private Right of Action bill as currently written (it has not been filed yet); it is important that agencies not give deference to oil and gas industry lobbyists when finalizing the bill language.

We invite our supporters to please consider contacting the sponsor of the Private Right of Action bill, Rep. Matthew McQueen, to thank him for sponsoring the bill and emphasize why it’s important to frontline impacted community members to move it forward as currently written. You may email Rep. McQueen at matthew.mcqueen@nmlegis.gov or phone him at (505) 986-4423.

We are currently in ongoing internal discussions and taking a hard look at our process for determining our legislative priorities and policy work. We welcome your input about our legislative priorities as we strive to find the right balance between capacity and goals while keeping in mind our ongoing case work.

NMELC Participates in Youth United for Climate Crisis Action (YUCCA) Panel & Action
YUCCA invited NMELC Executive Director Dr. Virginia Necochea to speak on a panel held on MLK Day that was part of the Climate Justice & Energy Democracy Convergence.

YUCCA held their 2nd annual Climate Justice & Energy Democracy Convergence on Monday, January 16. Local and national leaders from the environmental and climate justice movement discussed policies and strategies to advance a just energy transition, with discussion of specific policy proposals for the 2023 Legislative Session and the Energy Justice Scorecard. A second panel discussion focused on the larger climate movement strategy to build power and win the changes we need.

Dr. Necochea said, "When I think about a just transition, we're really talking about, if we name it, those who have power, those who hold power, and those who don't. We have to keep at the forefront we're talking about unjust, inequitable racist systems, oppressive systems in place, that continue to harm our community, our people, our environment and have created so many of these climate injustices."

The next day, Tuesday, January 17, three NMELC staffers were privileged to join in the direct action led by YUCCA in the Roundhouse rotunda. YUCCA Action led a "Die-In" as a mass mobilization to put pressure on lawmakers to take action now on the climate crisis.

Participants laid down for 7 minutes, one minute for each of the 7 years scientists have predicted remaining to avert the most catastrophic impacts from global warming. We laid mock paper tombstones on our bodies, with messages that said what aspect of climate change caused death, whether wildfires, drought, flooding, and heat exposure.

Here is a statement from YUCCA's report back:

"The Die-In highlighted the devastating losses New Mexicans and communities across the world have already suffered at the hands of climate disruption caused by fossil fuel pollution. After the worst wildfires the state has ever seen YUCCA is demanding lawmakers take immediate action this session to address climate change and protect their future. Youth leaders are demanding an end to the state’s practice of chasing short-term profits at the expense of long-term climate stability, economic sustainability, public health & environmental justice."

You can read YUCCA's full report back from the Die-In and check out their Legislative Priorities as well at this link.
Click here to watch the video of the MLK Climate Justice & Energy Democracy Convergence.

You can read media coverage of the Die-In in Source NM.

YUCCA organized a "die-in" for Climate Justice at the Roundhouse on Tuesday, January 17, 2023. Photo by Austin Fisher, Source NM.

Green Fire Times Features
NMELC's Annual Top 10 EJ Issues for 2023

Plus NMELC Intern Ennedith Lopez' OpEd Uplifts
Mountain View Coalition's Health, Environment & Equity Impacts Regulation
For several years Green Fire Times has invited NMELC to submit our Top 10 Environmental Justice Issues for the coming year for their January/February issue, which is guest edited by YUCCA and Earth Care.

You can pick up a hard copy issue or access the article online. Our article is on pages 5-8.

Earth Care also invited NMELC Intern/Institute for Policy Studies Fellow Ennedith Lopez to write an OpEd about the Mountain View Coalition’s Health, Environment & Equity Impacts proposed regulation. Her OpEd is on pages 24-25.
The military industrial and nuclear complex has left a legacy of contamination and disease on traditional Indigenous territories and communities.

The military industrial complex is a network of government, military, and private industries that produce and maintain weapons and other military equipment. This complex has a significant impact on traditional Indigenous territories and communities, as it often involves the construction of bases, installations, and other facilities on lands that are sacred to Indigenous peoples. These activities can result in contamination of water sources, soil, and air, leading to health problems and environmental degradation.

For example, the Department of Energy has constructed and operated nuclear weapons production sites, such as the Hanford Site in Washington, that have released radioactive materials into the environment. These contaminants have led to contamination of soil, water, and air, as well as health problems for Indigenous peoples who rely on these resources.

The military industrial complex also involves the testing and disposal of nuclear and other weapons, which can lead to contamination and health problems. For example, the Department of Energy tested nuclear weapons at the Nevada Test Site, which resulted in contamination of soil and groundwater.

The military industrial complex is not only a source of contamination and disease but also a source of economic exploitation. Indigenous peoples are often forced to work in low-paying jobs in the military industrial complex, which further exacerbates the economic and health problems caused by the contamination.

To address these issues, Indigenous peoples have been organizing and taking action to demand cleanup and compensation for the harm caused by the military industrial complex. This includes advocating for the closure of contaminated sites, the recognition of Indigenous rights, and the development of sustainable economic alternatives.

NMELC & Clients in the News

https://mail.google.com/mail/u/1/?ik=7b638c2eb&view=pt&search=all#permthid=thread-f%3A1756026715066931723%7Cmsg-f%3A1756042149335113159&si...
NMELC Staff Attorney Mara Yarbrough and Senior Staff Attorney Eric Jantz were both quoted in an article in Capital & Main about three legislative bills that would reform the Oil & Gas Act.

Here are some excerpts:

"Three bills proposed for the New Mexico legislative session would shift the state’s focus on the oil and gas industry by emphasizing public safety and environmental protections, denying permits and increasing penalties for companies in violation of the law, and making it easier for citizen groups to sue scofflaw operators. ... Lawyers from the Western Environmental Law Center (WELC), Earthworks, the New Mexico Environmental Law Center (NMELC) and the Coalition for Clean, Affordable Energy are still finalizing drafts of the three bills — the Oil and Gas Justice and Reform Act, a citizens’ suit bill and a bad actor bill (the last two are not yet named). ..."

“The Oil and Gas Act, as it stands now, doesn’t prioritize public health and communities,” says Mara Yarbrough, staff attorney at NMELC. “Rather, it prioritizes protecting the oil and gas industry and protecting the resource from being wasted.” ...

“If oil and gas operators are following the law, they have nothing to worry about,” says Eric Jantz, the senior staff attorney at NMELC, and another author on the bills. “There will be no flood of lawsuits. There will be no frivolous lawsuits … The argument to the contrary that there’s going to be this flood of lawsuits is, essentially, the industry conceding that they aren’t following the law right now. And that’s problematic.”

Read the entire article here.
During our holiday break, *The Paper* covered the Air Quality Control Board decision to hold a public hearing on the Mountain View Coalition's Health, Environment & Equity Impacts proposed regulation.

Mountain View Community Center President Nora Garcia, Mountain View Community Action President Marla Painter and NMELC Senior Staff Attorney Eric Jantz were quoted among others in the article in support of the hearing.

Here are some excerpts:

"The South Valley is a clear example of environmental racism and they are fed up with being the dumping ground for decades of a dirty industry that no one else wants. The strength of community organizing paid off for residents there when, spearheaded by the Mountain View Coalition and New Mexico Environmental Law Center (NMELC), they were able to convince the ABQ-BernCo Air Quality Control Board (AQCB) to vote unanimously (5-0) to hold a public hearing on their proposed Health, Environment and Equity Impacts Regulation.

"Most of the burdens and few of the benefits of economic development are experienced by residents in these overburdened communities," Eric Jantz, NMELC Senior Staff Attorney told the AQCB.

Historically a rural Latino center of Albuquerque, the South Valley contains some of the most polluted areas of the state. "We hope that the draft impacts regulation will become a new beginning toward a healthier environment and improved quality of life," President of the Mountain View Neighborhood Association Nora Garcia said. ...

"This is the furthest we have ever gotten on having the Air Board or the City address our concerns and demands for a healthier environment in Bernalillo County, particularly in vulnerable neighborhoods," said Marla Painter of Mountain View Community Action. ...

To read the entire article, click [here](https://mail.google.com/mail/u/1/?ik=7b638e2eb2&view=pt&search=all&permthid=thread-f%3A1756026715066931723%7Cmsg-f%3A1756042149335113159&...).

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**Job Opening at NMELC: Environmental Justice Staff Attorney**
Environmental Justice Staff Attorney

PRIORITY HIRE

We would greatly appreciate our community’s help in sharing this job post widely!

The New Mexico Environmental Law Center (NMELC) is seeking applications for a Staff Attorney dedicated to NMELC’s mission of working with communities to advance environmental justice and human rights.

The New Mexico Environmental Law Center works in partnership with community organizations, coalitions and other stakeholders to build multi-strategy campaigns that address the systemic polluting of low-income communities of color and advance community health and sustainability. Black, Indigenous, People of Color (BIPOC), women and LGBTQ+ candidates are highly encouraged to apply.

JOB TITLE: Staff Attorney

SALARY: 62K to 75K

START DATE: ASAP

REPORTS TO: Executive Director & Senior Staff Attorney

JOB SUMMARY:
As a Staff Attorney, you will engage in legal, policy, and administrative advocacy, as well as coalition-building, fundraising, and media work. You will work closely with client communities to achieve client-directed priorities. You will also be responsible, in collaboration with the Executive Director and staff, for identifying, managing and advancing new campaign and litigation opportunities. Staff Attorneys are involved in policy development, advocacy, and larger development/fundraising initiatives that help to support and expand NMELC’s legal services and work. …

Click here to read full job description.

Staff/Intern Publications

Institute for Policy Studies Issues New Report
"New Mexico at a Crossroads: False Solutions or a Just Transition?" by Ennedith Lopez, Basav Sen, Emily Li, Taneya Garcia & Alyssa Garza
Ennedith Lopez, NMELC’s intern through her fellowship with the Institute for Policy Studies, co-authored a new report called New Mexico at a Crossroads: False Solutions or Just Transition.

The authors conducted interviews with the following community organizers and researchers: Julia Bernal, Director of the Pueblo Action Alliance; Alejandria Lyons, former Environmental Justice Organizer for the Southwest Organizing Project (SWOP); Josue de Luna Navarro, Climate Policy Innovator with The Semilla Project and a former New Mexico Fellow at the Institute for Policy Studies; and Bob Alvarez and Miriam Pemberton, Associate Fellows at the Institute for Policy Studies.

Here’s information from the introduction:

As the fight to transition off fossil fuels and into clean, renewable energy gains momentum, communities and their advocates face several challenges.

These include a fossil fuel industry still lobbying to hold back renewables, promote dirty energy, or else peddling false, “greenwashed” solutions that allow it to continue profiting from pollution. They include the challenge of cleaning up the harmful health and environmental legacy of fossil fuels, as well as the need to ensure that renewable energy sources are owned by, and affordable for, the communities who rely on them.

The state of New Mexico encapsulates all these trends and more. As a poor, climate-vulnerable state as well as a leading fossil fuel producer, New Mexico has made important strides toward an energy transition in recent years. Indigenous and frontline communities in New Mexico have articulated a clear vision of a just transition away from a polluting, extractive economy, and are working to implement their vision. But enormous challenges remain.

This report focuses on the future of renewable energy in New Mexico and how the state could lead on a just transition — and even offer a blueprint for other parts of the country. It also highlights the cost of the use of fossil fuels for New Mexican communities, particularly low-wealth and Indigenous communities.

This report draws upon publicly available information as well as interviews with community organizers and researchers in New Mexico and elsewhere to make the case for centering community-led solutions to the climate and energy crisis. ...

Access the full report here.

NMELC Board of Directors Update

We are excited to share that NMELC’s Board of Directors recently elected a new slate of officers listed below:
Chair: Ramón Padilla  
Vice Chair: Johana Bencomo  
Treasurer: Carla Nieto  
Secretary: Kristine Suozzi  

Congratulations to NMELC’s new officers! We also want to thank all board members for their service and commitment and a special thanks to all of our 2022 officers: Donna House (former Chair), Ramon Padilla (former Vice Chair), Johana Bencomo (former Secretary), and Harry Brown (former Treasurer) for having fulfilled their respective duties.

Our Contact Information
New Mexico Environmental Law Center
P.O. Box 12931
Albuquerque, NM 87195
505-989-9022
http://www.nmelc.org

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