



The Fight to Save the Valle Vidal Intensifies

With each passing week, the fight to save the Valle Vidal intensifies. Like a complex game of chess, Amigos Bravos and our allies in the Coalition for the Valle Vidal must maneuver on a number of fronts simultaneously to ensure we provide permanent protection for the Valle Vidal – “New Mexico’s Yellowstone.”

Since the early 1990s, Amigos Bravos has been actively protecting and restoring the Valle Vidal. In 2003, when Amigos Bravos Board of Directors member Ross Ulibarri first sounded the alarm that the Valle Vidal was being threatened by coalbed methane gas development, Amigos Bravos partnered with the Oil and Gas Accountability Project to establish the Coalition for the Valle Vidal, which has spearheaded this multifaceted campaign.

The campaign is being fought on four fronts: the local Carson National Forest Plan Amendment Environmental Impact Statement (EIS), the State Environment Department’s regulatory process, Congressional legislation, and – most importantly – through establishing the high ground in relation to public perception and participation.

At the local level, the Carson National Forest is moving forward with the Forest Plan Amendment Environmental Impact Statement process. Throughout the Summer and early Fall of 2005, the Forest Service held a number of public meetings aimed at identifying the values and issues that will help determine the “Desired Future Condition” and the “Standards and Guidelines” that will direct future management of the Valle Vidal. The Forest Service received over 60,000 letters and comments requesting the Valle Vidal be permanently protected from devastating impacts of coalbed methane development. Although such an overwhelming number of comments should be enough to prevent drilling for gas, the Forest Service continues to claim that drilling is an option. At this point, while the Forest Service is meeting behind closed doors to develop management alternatives, Amigos Bravos and the Coalition for the Valle Vidal are looking for ways to further influence the Forest Service process. We are also preparing to make a strong response to the release of the Draft EIS, which is expected in the spring of 2006.

The second avenue for protection of the Valle Vidal is the State’s regulatory process. Governor Richardson has repeatedly emphasized, since summer of 2004, that the State is opposed to oil and gas development in the Valle Vidal. In support of that stance, the State formed an interagency task force to consider the best approach toward protection of the natural values of the Valle Vidal. Amigos Bravos has been actively advising the State, whose strategy is presently focused on the designation of all waters in the Valle Vidal as Outstanding National Resource Waters (ONRW).

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Amigos Bravos is proud to announce this year’s Raffle for the Río winners:
Grand Prize Winner – 5 day luxurious vacation to the Princeville Resort in Kauai:
Teresa Pisano
Second Prize Winner - A Two-Night Stay for Two at the Dobson House Bed & Breakfast: Mary Ellen Simms

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Molycorp: The New Challenge

The coming year offers challenges and opportunities for change at the Molycorp mine via three regulatory proceedings involving the renewal of state ground water discharge permits.

The greatest challenge begins with the first hearing, which will address a complex issue we were not able to address during the 2002 permitting process: how to reclaim subsidence areas. The hearing is scheduled for December 12, at 6pm, at the Forest Service Questa Ranger District office.

The Molycorp molybdenum mine – located along the Red River at the edge of Questa, New Mexico – is faced with a revision of its mining permit to address reclamation of mine subsidence areas. Request for the revision is required under Molycorp’s mining permit issued in 2002 by the Mining and Minerals Division of the New Mexico Energy, Minerals, and Natural Resource Department.

Subsidence areas are created when the ground collapses above underground mine workings causing the mountainside to become too dangerous and unstable for mining operations to continue. In 2003, Amigos Bravos researched reclamation efforts in situations where mine-related subsidence has occurred. Our lead mining issues consultant, Jim Kuipers (Kuipers and Associates), was unable to find

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Rio Pueblo de Taos Watershed Group

In January 2005, Amigos Bravos brought together local citizens, Taos Pueblo, local agencies, and other interested people to form the Río Pueblo de Taos Watershed Group. The Group has defined its mission as:

“to restore and preserve the natural beauty, water quality, and the native riparian ecosystems of the Río Pueblo de Taos Watershed by listening to and incorporating the diverse values and voices of watershed residents into watershed protection and restoration activities.”

The Río Pueblo de Taos Watershed Group has the following goals:

1. Identify and eliminate chemical and physical pollution sources, including the impacts from storm-water runoff;
2. Promote public awareness through watershed education and volunteer restoration projects;
3. Implement on-the-ground restoration projects and policies to protect the watershed for the benefit of our communities, fish, wildlife, and public health.

The Watershed Group has just completed a Watershed Restoration Action Strategy (WRAS), a planning document that identifies both pollution problems and potential watershed restoration projects in the watershed. This document was crafted to be a dynamic work in progress. As more information becomes available and changes occur, the WRAS will be flexible and adaptive to meet the ever-changing needs of the watershed.

Of the many restoration projects identified in the WRAS, the Watershed Group prioritized the following three:

1. Salt Cedar Eradication – Invasive species are having a huge impact on our native riparian ecosystems here in New Mexico and the Río Pueblo de Taos is no exception. This project would combine outreach and education efforts with on-the-ground removal of invasive salt cedar;
2. Trash Cleanups – The watershed is inundated with illegal trash dumping. The problem is two-fold: new trash dumping needs to be discouraged and stopped and the old trash piles need to be cleaned up. The project would address these two aspects of the trash problem by combining education, incentives, enforcement, and cleanups;
3. Watershed Planning – The watershed is impacted daily by development and other land use practices. The group identified the need for a project manager/organizer who would work with engineers and local officials to research, identify, write, pass, and begin to implement ordinances and/or other protective regulations or guidelines that would protect the Río Pueblo de Taos.

The Watershed Group will be meeting again in the early Spring to develop a grant proposal to fund one of these projects. Please call the Amigos Bravos office if you are interested in receiving information about these meetings or if you want to express a preference for one of the projects: (505) 758.3874.

The WRAS can be viewed online at www.amigosbravos.org under Publications. •

Thank you, Rhoda

In October, Amigos Bravos member and supporter Rhoda Goldfinger died tragically in a car accident in Colorado. She was a tireless advocate for a safe, healthy environment and a dedicated volunteer and member of the Taos County Noxious Weed Control Committee, a group dedicated to finding effective, non-toxic methods of controlling noxious weeds. With other members of the Weed Committee, she helped gather hundreds of signatures to oppose the spraying of pesticides in northern New Mexico's National Forests. She will be missed. •



photo by Diane Hargrave

Olivia Otter Looking Forward to Summer Concerts

by Joanne Foreman

Olivia, the otter puppet who lives in the Amigos Bravos office, is looking forward to a summer concert series for children, to be performed at the Taos Public Library.

With the assistance of Taos composer Joanne Forman, Olivia has written and composed OTTERS FOREVER!, a musical fable about the return of river otters to New Mexico, for grade-school children to perform. This musical is available for school, community or church groups to perform. (Please contact Forman at jof@laplaza.org; Olivia doesn't use a computer yet.)

OTTERS FOREVER! also exists in concert form, for chamber ensemble and narrator (like “Peter and the Wolf.”) This is the version that will be presented next summer by SOUND-SCAPES, the Taos-based chamber music performance group. Forman and Olivia are working on funding for this concert series, and need all the help they can get. •

Amigos Bravos Prepares for Youth Water Symposium

The Albuquerque office has been very active this year, reinvigorating the long-dormant *acequia* system in the South Valley. Lucy Sanchez, Amigos Bravos' Albuquerque Projects Director, is also busy coordinating another project to reconnect people with water issues that impact their lives – a Youth Water Symposium.

The Amigos Bravos Youth Water Symposium will take place in the Spring of 2006 in Albuquerque. The Symposium will provide an opportunity for high-school youth in the South Valley and other largely low-income and Hispanic communities to engage in leadership activities on important water-related issues. Students will conceive and -implement their own projects, with guidance from teachers and Amigos Bravos staff. A key result will be the elaboration of proposals for public policy change, at the local or state level, related to the student projects. The Youth Symposium falls under the third goal of the Amigos Bravos Strategic Plan: *Build a Rivers Movement for the Future*.

Lucy Sanchez explains, "It is the intention of Amigos Bravos that the Youth Water Symposium become an annual event. We hope to provide a venue near the river or an *acequia*, and to create circumstances in which students will be inspired by the diverse individual and cultural relationships that exist between themselves and the Río Grande. We also look to provide an opportunity for creative expression and exchange among South Valley youth in regard to the search for sustainable solutions to water quantity and quality issues currently facing New Mexico. Finally, we look forward to engendering an enthusiastic awareness among South Valley youth that the Río Grande is *their* river to care for, to learn from, and to enjoy."

In planning for the Youth Water Symposium, Amigos Bravos is working from the belief that *agua es vida*, and rivers are the lifeblood of our communities. All communities in New Mexico – whether Native American or early European – were established along rivers that provided the sustenance for growing food and livestock. Likewise, healthy rivers provide for sustainable communities. It is our intention to raise awareness of the importance of rivers in order to ensure that rivers are protected and restored for the benefit of present and future generations and to build a well-informed and dedicated segment of the population that will be stewards of our rivers. Through the Symposium, Amigos Bravos hopes to generate greater awareness of rivers, especially the Río Grande in the South Valley, and an awareness of both the function of *acequias* in relation to the river and the importance of *acequias* in relation to farmers and community.

Amigos Bravos is seeking participation in the Youth Water Symposium from five different schools, with participants from each school focusing on rivers in relation to a particular academic area of their choice (art, earth sciences, social sciences, history, language arts, etc.). The Symposium will be an all day event. During the course of the day, each school will be challenged to offer a compelling interactive presentation on the role of rivers in our lives. The Symposium will conclude with a session for the student participants led by Amigos Bravos Executive Director Brian Shields who will facilitate discussion on ways students may take specific action, as a group, to further public awareness about the importance of rivers.

Over the past month, Sanchez has been contacting high school principals and other key staff to explain the project and solicit participation. Currently, four schools have either signed-on or expressed serious interest: Rio Grande High School, South Valley Academy, La Academia de Esperanza, and Cibola High School. Other schools that have been contacted include Valley High School and Nuestros Valores High School.

A committed and enthusiastic participant is John Wright, an English teacher at

Rio Grande High School, who is also in charge of the school's Environmental Club. Seven students from Mr. Wright's English classes will participate. At South Valley Academy, Principal Alan Marks responded to the proposed Symposium and to the work Amigos Bravos is doing to protect rivers by saying, "I understand how important the river is, especially to the people of the South Valley. It is crucial for us to keep the Río Grande alive and healthy." Five students from Jennifer Gable's science class at South Valley Academy will produce an earth project in relation to the river for the Symposium.

Sanchez has also met with a group of seven interested teachers at La Academia de Esperanza charter school, including Transition Specialist, Margaret Woods. The teachers agreed to participate in the Symposium and will determine which students will be involved and what their chosen topics will be within the next couple of months.

Sanchez will be making presentations about rivers and the work of Amigos Bravos to each of the participating classes. Once a group of interested students is identified from each school, those students will work with their teachers and with Sanchez to determine suitable water-related projects. Teachers – with the support of Amigos Bravos staff – will oversee implementation of student projects. Students will be encouraged to think of a policy change relevant to their water issue in advance of the Symposium and come prepared to present a convincing argument for the suggested change. Amigos Bravos staff and other community groups will work with the students to put together these recommendations and will educate students about the processes involved in presenting their ideas to the appropriate public officials and to the public-at-large. •

Amigos Bravos Offers Training to Community Groups

In the coming year, Amigos Bravos plans to reach ten local river and water groups through one-on-one assistance and two group trainings. The first group training, with six Pueblo Environment Departments – Sandia, Taos, Jemez, Santa Clara, Picuris, and San Ildefonso – just took place at Sandia Pueblo and focused on Watershed Data Analysis. The second group training, on Water Quality Standards and Flow, will take place in early 2006.

In 2004, Amigos Bravos was chosen as one of seven statewide training providers working with River Network, a national organization with headquarters in Portland, Oregon, on a three-year Environmental Protection Agency program – National Watershed Health – to increase technical capacity for local river and water organizations. The focus is on explaining and clarifying the complex technical and legal aspects of the Clean Water Act to local organizations.

As the program evolved, it began to offer organizational capacity-building so local groups could make more effective and sustainable use of their increased technical capacity. River Network has recently begun referring to its program as the Watershed Support Network.

Amigos Bravos has a strong commitment to providing technical and organizational training to grassroots and community-based river and watershed groups around New Mexico. The third of our three strategic goals is to, “Build a River Protection Movement”. In order to make this goal a reality, Amigos Bravos created the “Capacity-Building Initiative”. The initiative has three components:

- Provide start-up and capacity-building assistance to individuals and groups wanting to protect their watershed;
- Provide or locate technical assistance for community groups dealing with water quality issues;
- Organize opportunities for group and individual participation in the public review process.



*l. to r. - 1st row: Gracia O'Neill, Jay Krientz, Matt Rota,
2nd row: Rachel Conn, Gayle Killam, Vicki Murillo,
3rd row: Geoff Dates, April Ingle, Evan Hansen
at River Network training in Alabama*

November, Michael Jensen will begin to provide organizational training, while Rachel, who now assists River Network's technical training efforts, focuses on the legal and technical training.

As examples of training available from Amigos Bravos, the following are high-

lights from the work Amigos Bravos did in the past year with twelve groups:

- Rio Pueblo de Taos Watershed Group - Completed a Watershed Restoration Action Strategy for their watershed complete with proposed projects (Clean Water Act training and organizational development assistance);
 - Truchas Trout Unlimited - Submitted comments on the Total Maximum Daily Load (TMDL) for the Pecos and are very active in organizing and implementing Río Grande Trout Restoration Projects (Training in Board Development and TMDLs);
 - Tewa Women United - Training in the Clean Water Act and general technical assistance on state and federal water policy issues;
 - Rio Hondo Neighborhood Alliance- Submitted over 10 comments and a petition with over a hundred names on the TMDL for the Rio Hondo (Training on TMDLs);
 - Coalition for the Valle Vidal- They have gotten over 67,000 comments from the public submitted to the Forest Service and the NM congressional delegation in support of protecting the Valle Vidal and has been successful in getting legislation proposed in both the House and the Senate that would permanently protect the Valle Vidal and its rivers (General assistance on strategic planning and leadership development as well as media and outreach training);
 - Upper Gila Watershed Alliance - Training in the Clean Water Act.
- Amigos Bravos considers the training a success when river and watershed groups can effectively use the Clean Water Act to protect and preserve their local waters, have more community support, have stronger management, and are better able to plan for and complete their watershed projects.

For more information, please contact Rachel Conn; 505-758-3874 or rconn@amigosbravos.org.

**Statement of Executive Director Brian Shields
Before the House Subcommittee on Forests and Forest Health
Regarding The Valle Vidal Protection Act of 2005
November 1, 2005**

Mr. Chairman and Members of the Committee, thank you for the opportunity to present my views in support of the Valle Vidal Protection Act of 2005. My name is Brian Shields. I am the Executive Director of Amigos Bravos and a founding member of the Coalition for the Valle Vidal. My statement represents the views of Amigos Bravos and focuses on the importance of the Valle Vidal's water resources, and the need to ensure that those resources are maintained for the health and sustainability of both the native wildlife and downstream communities.

Amigos Bravos is a well-established and nationally recognized river conservation organization guided by social justice principles. We work to preserve and restore the ecological and cultural integrity of New Mexico's rivers and watersheds. Amigos Bravos' mission is to protect and restore the rivers of New Mexico, and ensure that those rivers provide a reliable source of clean water to the communities and farmers that depend on them, as well as a safe place to swim, fish, and go boating. Our work is inspired by New Mexico's traditional water users – the Hispanic acequia users, the people of Native American Pueblos and Tribes, farmers, and ranchers - who see water as both a cultural and a natural resource to be managed in a fair and sustainable way to ensure a safe and secure supply of water for the future.

Many of our 1600 members and their families use the Valle Vidal (the valley of abundant life) to fish, hike, take photographs, ski, raise cattle, camp, and hunt, and they appreciate the spectacular scenery and wildlife of the area. In addition, some of our members live in communities downstream that depend on waters from the Valle Vidal for domestic and wildlife uses, including the raising of food. For over fifteen years, members of Amigos Bravos have worked with the Carson National Forest as well as state agencies and non-governmental organizations to restore and reclaim portions of the Valle Vidal watershed for the purpose of enhancing habitat for the survival of the Río Grande cutthroat trout – New Mexico's state fish. All of these activities are contingent on maintaining the healthy and sustainable water supply that the numerous rivers and streams of the Valle Vidal presently provide.

It is important for us to emphasize right up front that, in our view, the Valle Vidal Protection Act of 2005 is not about mineral extraction, but about protecting a very special place and an invaluable resource base for the economic and social well being of the communities that depend on the Valle Vidal's important wildlife and water resources. For Amigos Bravos, this legislation is about protecting New Mexico's most important resource – its water.

**The water resources of the Valle Vidal
are of national importance**

In the semi-arid regions of northern New Mexico and southern Colorado, we have two common sayings: Agua es Vida (water is life), and "rivers are the lifeblood of our communities." The Valle Vidal embodies both of these values by the very fact that it comprises the headwaters of two of New Mexico's most important catchment basins – the Costilla drainage, which provides water for farmers and residents of the communities of Amalia and Costilla (New Mexico), Garcia (Colorado), and downstream on the Río Grande, and the Canadian basin, which provides water for the communities of Cimarron and Springer (New Mexico), and eventually ends up in the Arkansas and Mississippi rivers.

The headwaters of the Valle Vidal are so important that 15 stream segments within the Valle Vidal have been found eligible for inclusion in the national Wild and Scenic Rivers system. These river segments include Comanche Creek, Middle Ponil, McCrystal, North Ponil, Rio Costilla, La Cueva, Powderhouse, Chuckwagon, Foreman, Gold, Grassy, Holman, La Belle, Little Costilla, and Vidal Creek. Of these rivers and streams, six have been classified as "recreation", two as "scenic", and seven as "wild."

In addition, all waters within the Valle Vidal have been nominated by the State of New Mexico for designation as Outstanding National Resource Waters – the highest level of protection offered under the federal Clean Water Act. Moreover, the 250 businesses and local governments that comprise the Coalition for the Valle Vidal have signed on to core values which include: "The Valle Vidal's watersheds are of paramount value, and its waters the lifeblood of the land's wildlife and our communities."

The waters of the Valle Vidal serve as a vital resource to a sustainable future for northern New Mexico's rural and agricultural communities, provide outstanding recreational opportunities, and hold intrinsic ecological importance and scenic beauty. The Valle Vidal Protection Act of 2005 ensures that the very multiple use practices that have ensured the sustainable use of the waters of the Valle Vidal can continue, while outlawing practices that would endanger the Valle Vidal's most important resource – the water that sustains life in the Valle and in the communities downstream.

Protection of the Valle Vidal's water resources is incompatible with coal-bed methane gas extraction

Coalbed Methane (CBM) is natural gas (primarily methane) that is trapped within a coal formation or seam. In the Valle Vidal, these coal seams are saturated with high quality clean water, and the methane is attached or held to the coal by the pressure of the water.

The extraction of CBM involves pumping millions of gallons of water from the coal seam, in order to reduce the water pressure holding the gas to the coal seam. After the water is removed and the pressure is reduced, the methane is released from the coal, and can be extracted.

The water removed from the coalbed during CBM development is known as Produced Water. Produced Water can contain dangerously high levels of toxins and carcinogens from chemicals used in the drilling process. More than 420 million gallons of water were produced in association with CBM development in Colfax County, from October 1999 to April 2003.

The Produced Water is then either pumped out onto the surface, dumped in toxic wastewater pits or containers and directly into clean rivers and streams, or re-injected into the mile-deep aquifer that is highly contaminated at deeper levels. By extracting the clean water held within the shallow and intermittent aquifers, CBM development eliminates an extremely important source of clean water for the surrounding communities –denying those communities an essential resource for future economic development.

It is estimated that CBM development will result in the installation of between 192 and 500 wells in the Valle Vidal. Each well is expected to extract approximately 5 to 80 gallons of water per minute. If, at the low end, wells extracts 12 gallons of water per minute, and 250 wells are developed, the resulting quantity of water extracted will exceed over four and a quarter million gallons of water per day. By all calculations, that level of water extraction will reduce water quantity for shallow aquifers, wetlands, stream flows, and the quantity of water available to downstream communities.

In addition, the installation of 250 wells will create a spider web of roads and well pads that will result in the sedimentation of streams. The installation of 250 wells will result in 125 miles of roads. Each mile of standard 16-foot wide road creates two acres of disturbed land. A one-inch rainfall on 125 miles of road will result in over six and three quarter million gallons of sediment loaded run off.

Each well pad will further clear up to more than 5 acres of land to accommodate drilling equipment and waste pits that contain fluids used in the drilling process. A one-inch rainfall on 250 4-acre well pads could add as much as an additional twenty seven million gallons of polluted run-off. Storm events on well pads result in rain water becoming

highly silted and contaminated by the many toxic fluids that inevitably spill as part of the drilling process, and may even include water that overflows from the containment pits. Toxic chemicals used in drilling and well completion include, butoxyethanol, acrolein, acrylamide, diethylene glycol monomethyl ether, ethoxylated nonylphenol, formamide, glutaraldehyde, methyl tert-butyl ether (MTBE), naphthalene, polyglycerine methyl glucoside, styrene, tetramethylammonium chloride, toluene, and xylene. Most disturbing is the fact that under the new energy bill well pads under 5 acres in size are exempted from federal Clean Water Act stormwater regulations.

No matter how one looks at the realities of present day CBM development, large amounts of water are polluted, streams and wetlands are dried up, and the burden of treating that water and restoring the watershed is handed off to the surrounding communities and future generations – not to mention the costs accrued from the devastating impacts on the wildlife and wildlife habitat of the area, and the consequential loss of a sustainable and traditional economic base.

The case has been well argued that the amount of coalbed methane under the Valle Vidal is miniscule compared to the needs of the nation, and that the Valle Vidal would produce enough gas to supply the nation for a maximum of two and a half days of energy at current consumption forecasts. Given that fact, I ask members of this Committee, what could possibly justify putting one of New Mexico's largest sources of pristine water – not to mention its most treasured natural landscape – at risk for so little gas? The fact is that the extraction of CBM in the Valle Vidal is incompatible with the most important resources and values the Valle Vidal has to offer.

The Valle Vidal Protection Act of 2005 will ensure protection of the area's most important natural resources

In conclusion, I remind members of this committee that for the great majority of the public and the communities that depend on the Valle Vidal – whether it be for their enjoyment or for economic sustainability – the Valle Vidal Protection Act of 2005 is not about mineral extraction, but about protecting what is most valuable for an enjoyable, safe, and secure future – the lifeblood of our communities – the water and all that it gives life to.

Amigos Bravos whole-heartedly supports the Valle Vidal Protection Act of 2005.

Thank you again for this opportunity to present Amigos Bravos' views and concerns.

Respectfully yours,

Brian Shields

Calendar of Events:

- December 12 (Monday) Molycorp Questa Mine Hearing: Subsidence Zone Closeout Plan.** The purpose of the hearing is to allow the public an opportunity to learn about and comment on the proposed Closeout Plan and design limit change. Representatives of both MMD and Molycorp, Inc. will be in attendance. Carson National Forest Questa Ranger Station, located one mile east of Questa, NM, on State road 38, 6:00 pm.
- Dec. 13-14 (Tues.-Wed.) Tell the Water Quality Control Commission that you support the nomination of the waters of the Valle Vidal as Outstanding National Resource Waters!** Public Hearing, Santa Fe, Apodaca Hall, 2nd floor of the PERA Building, 1120 Paseo de Peralta. Hearing starts at 9:00 am.
- Jan. 12-14 (Thurs.-Sat.) The Quivira Coalition's 5th Annual Conference, *Bridging the Urban-Rural Divide: Reconnecting People to Land and Each Other*, Albuquerque, www.quiviracoalition.org**

Amigos Bravos' Cash Reserve Fund was opened in March 1998 with a \$15,000 grant from the Ruth Mott Fund. Thanks to generous donations from Charmay B Allred, Rudolfo & Patricia Anaya, Ann G. Ash, Ezra Bayles, Jean Bergeron, Larry Bernard, John Blancy, Bolene Charitable Trust, Doris Channell, Cid's Food Market, John Clem, Dr. Karen Cohen and Robert Templeton, Virginia & William Cowles, Alice Dadian & Richard Bowditch, James Davidson, Marjorie F. Day, Robert & Clarice Day, Martha Dick, The Dobson House, Patrick Dunbar Antiques, Paul & Dawn Fleischer, Leo & Judy Follmar, Lisa Fox, Elizabeth Fuller, Percyne Gardner & Kim Kirkpatrick, Arifa Goodman, Lumina Greenway, Marian Gurewitz, William & Linda Hardy, Harriett & Wendell Harris, Madeleine Herrmann, Mark Holland, Hirschi Investments, Douglas Jones, Llewellyn & Jean Jones, Anna Katherine, Barbara Kohl, Diane Konechney, Robert Lagasse, Douglas Large, Leroy & Shelby Leonard, Thomas Lincoln, Annette Lippincott & John Clark, Mario Manzo, Victor & Patricia Marsh, William & Mary Jane McCafferty, Carey Moore, Pat Munoz & Dorcas Adkins, Robert & Shirley Myers, Dwaine & Barbara Nelson, Claiborne & John O'Connor, Barbara Pearlman, Jeanell Pelsor, Jo Dell & Stanton Reed, Bill Reeves, Allen & Mary Anne Sanborn, Merry & John Schroeder, Jessica Schwarzenbach, William & Dudley Slade, Walter Sondheim, Ruth & William Stamm, Canon Stevens, Richard Stibolt & Catherine Kingston, Ann Sudlow, Jacqueline Swap, Douglas & Jane Swift, Kenneth & Janet Taht, John Tapertek, Walter Teilmann, OGwen & Mike Tennison, Raymond Trompler & Helen Zagona, Deb Ungar, Meil & Emily Uptegrove, Mary Utsinger, Patti & Mark Veteto, Keith Woloshon & Katherine Nydes, Catherine Wright, and Ann & Chris Wyndham, we have added \$15,706 to the interest bearing account. Our goal is to have \$150,000 in the account by the end of 2007. Please consider making a contribution to the Cash Reserve Fund. •

Where There's a Will, There's a Way

By including Amigos Bravos in your will...



...you could protect a river for years

CONFIDENTIAL REPLY

To explore a bequest to Amigos Bravos, please complete this form and return it, marked confidential, to Brian Shields, Executive Director, Amigos Bravos.

- I have included Amigos Bravos in my will.
- Please send information on how to include Amigos Bravos in my will.

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any example of a successful reclamation effort involving subsidence sites created by mining. We have concluded that subsidence areas are not reclaimable. Under the New Mexico Mining Act of 1993, new and proposed mines cannot be permitted if their mining methods result in areas that cannot be reclaimed to a 'self-sustaining ecosystem.' As an already existing mine, Molycorp was grandfathered-in under the 1993 Act and has not been required to change its mining practices, even though those practices have led to the creation of non-reclaimable subsidence areas.

During the 2002 negotiations over Molycorp's mining permit, Amigos Bravos was able to obtain a number of concessions from the mine. One important concession was that the mine would be required to reduce its 'design limits' for subsidence to just over 700 acres.

The term 'design limits' refers to the surface area within which mining impacts would be allowed to occur. Although Amigos Bravos was able to force Molycorp had to provide a \$157+ million bond to ensure they would reclaim the mine to a 'self-sustaining ecosystem', Amigos Bravos did not have the information needed to determine what kind of reclamation could take place in subsidence areas. We allowed the mine to get a 'variance' to the permit which allowed them additional time to undertake studies for the development of a viable reclamation plan for the subsidence areas. The result of those studies is Molycorp's proposal to put a big fence around the subsidence. This will mean that the area is a "no-man's land," fenced-off in perpetuity.

Amigos Bravos considers this a laissez-faire ("let them do as they please") reclamation plan, the existence of which is particularly disturbing within an existing permit. Permission to create an utterly non-reclaimable situation provides a dangerous precedent. We fear that the mining

industry will propose laissez-faire reclamation as a viable and previously-approved reclamation alternative to clean up. This could apply, for example to the 380 million tons of acid-generating wasterock piles at the Molycorp site, which are having devastating impacts on the Red River. Amigos Bravos believes that truly non-reclaimable subsidence areas must be considered sacrifice zones. As such, those areas should fall under the 'waiver' provision of the mining act (in other words, they should not be part of the mining permit, because they are non-reclaimable).

A second concern is Molycorp's proposal to redraw the 'design limits' (the surface area that could be disturbed by mining) designated in the 2002 mining permit. Amigos Bravos understood those limits to be sacrosanct, but Molycorp wants them redrawn to include an additional 360 acres. This is directly counter to the 2002 permit agreement that the mine would reduce its 'design limits'. What neither the Mining and Minerals Division nor Molycorp seem to accept is the fact that, under the 1993 Mining Act, any activity beyond the original 'design limits' must be considered a "New Unit." Under the New Unit rule, Molycorp is required to obtain a new permit, rather than a revision of its 2002 permit. This would mean renewed public involvement in the development of provisions for the permit, including further scrutiny of impacts to the Red River from mine activities. This in turn will offer new opportunities to find innovative solutions to address the environmental impacts of the mine.

Amigos Bravos will pursue all possible options to ensure that the increase in the subsidence area will be regulated as a New Unit.

The third and greatest opportunity that Amigos Bravos has been able to identify for protection of the Red River and future sources of drinking water for the Village of Questa, could be addressed through the New Mexico Environment Department's proposed groundwater discharge permit renewals. Amigos Bravos wants to see the mine recycle and treat all of the water that presently sits on top of the tailings site. By doing so, we can stop pollution reaching the river below the tailings site, increase river flows, and thus dilute the pollution coming off of the mine site in the middle reach of the Red River. In addition, the Village of Questa is concerned that a pollution plume from the tailings site is moving toward Village wells, which are it's future water supply. By recycling the water, we could at least slow the plume. Hope Buechler, Secretary of the Amigos Bravos Board of Directors and a librarian, aptly noted that the same proposal was made in 1970 and was rejected by the Molycorp mine at that time as too costly (The Taos News, January 29 and April 23, 1970). How costly has 35 years of pollution been to the river and to the community of Questa? How long will we allow damage to continue when part of the answer to minimizing pollution already exists?

Amigos Bravos has approached state regulatory agencies, Molycorp, and the Village of Questa to ask that all parties come together to take a holistic look at the mine and its many varied permitting processes. We want to take advantage of the opportunity offered by the groundwater discharge permit renewals and our suggestion that the mine treat and recycle it's polluted tailings water. Amigos Bravos' intention is to produce big picture solutions, rather than continuing to look piecemeal at the plethora of problems.

By the end of the year, Amigos Bravos will release a report outlining how the Molycorp mine can implement recycling of its water and the benefits of that procedure to the Red River. We will present the report to the State Environment Department and the Mining and Minerals Division, with the intention that the Environment Dept will implement the report's recommendations. The report is being prepared by Amigos Bravos consultant, Jim Kuipers. •

The Fight Intensifies

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ONRW status offers the highest level of protection available under the Clean Water Act. In January 2005, Amigos Bravos successfully garnered adoption of New Mexico's first ONRW designation for the Río Santa Barbara. On December 13 and 14, a hearing will be held before the Water Quality Control Commission in Santa Fe regarding the proposed nomination. Amigos Bravos will organize carpooling for members of the public who wish to participate in the hearing (758-3874). The designation, even if achieved, would not prevent coal bed methane development. However, it will add a stringent level of regulatory protection that will prevent any degradation of water quality in the Valle Vidal.

Since the State's regulatory process will not prevent devastating impacts on wildlife and other values, it is of crucial importance that we gain a permanent ban on mineral extraction in the Valle Vidal. The only way this can be achieved is through federal legislation. On September 14, 2005, two days after Amigos Bravos Executive Director, Brian Shields, participated in the presentation of an award on behalf of American Rivers to Congressman Udall, in Washington, D.C., the Congressman introduced the Valle Vidal Protection Act of 2005 in the House of Representatives (HR 3817). Five days later, Senator Jeff Bingaman introduced the Valle Vidal Preservation Act in the Senate. Both bills, if they pass, will allow current management practices to continue while withdrawing the entire area of Valle Vidal from mineral extraction.

On October 26, the Subcommittee on Forests & Forest Health of the U.S. House of Representatives held a hearing on Congressman Udall's Bill. The Coalition for the Valle Vidal sent three representatives to testify before the subcommittee: Alan Lackey (Republican rancher and businessman from Raton), Danny Cruz, (Mayor of Springer), and Bill Schudlich, (New Mexico State Council Chair of Trout Unlimited). In addition, a number of individual groups of the Coalition provided statements in support of the Bill (see pages 5-6 for the statement submitted by Brian Shields on behalf of Amigos Bravos).

On the most important front, Amigos Bravos is supporting the work of the Coalition for the Valle Vidal in its efforts to increase media coverage and expand membership. At this point, more than nine local governments and three-hundred businesses, community, conservation, and sportsman organizations, including a number of national conservation organizations such as National Resources Defense Council, American Rivers, The Wilderness Society, National Wildlife Federation, Trout Unlimited, and the Audubon Society, have signed on to the core values of the Coalition. If you or any of your friends would like to sign on to the core values as a business, organization, or government organization, go to www.coalitionforthevallevidal.org or call Amigos Bravos, 505-758-3874. •

(see previous bulletins on our web page for further details: www.amigosbravos.org)

New Mexico's Waters at Risk

Last year, two bills introduced at the New Mexico State Legislature, SB583 and HR711, would have prohibited the New Mexico Water Quality Control Commission (WQCC) from adopting surface water quality standards that are "more stringent than" federal standards. Specifically, these bills would have prohibited the WQCC from adopting water quality standards for waters not covered by federal regulations. The current federal Administration is narrowly interpreting federal protections such as the Clean Water Act. If the state adopts "no more stringent than" language, then New Mexico would be bound by the whims of the federal government and will not be able to protect New Mexico's waters.

As an arid state, up to 95% of our streams, lakes, and other waters are non-perennial and are at risk of being labeled "isolated". In legal terms, they would be

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Molycorp-related story

Since June 1999, Molycorp has received several air quality violations for not operating four air scrubbers. This violates the Air Quality Act and releases pollutants from its ore screening areas. As a settlement to the infractions, Molycorp made a deal with the Village of Questa and the State Environment Department to provide community members with 110 "free" woodstoves. As a result, Molycorp will not receive a direct fine (which would total nearly \$200,000). While Molycorp is receiving positive publicity for the woodstove giveaway, no mention is being made of the damage done to air quality by the mine's negligence. Nevertheless, the fact that old stoves are being replaced with upgraded new ones will result in better routine air quality, and that's for the good! •

Raffle for the Río

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Third Prize Winner - Rafting for Two down the Río Grande Gorge Racetrack with Los Rios Riverrunners: Mrs. James Davidson

Fourth Prize Winner - Blanket from Native Jackets of Santa Fe: Teresa Pisano
Fifth Prize Winner - Two Day-Passes to 10,000 Waves: Nancy Baldrice

On behalf of Amigos Bravos' board and staff, thank you to everyone who purchased tickets and donated the amazing prizes. We sold over 600 tickets! We depend upon such generous support to continue our advocacy for New Mexico's rivers and streams.

We would also like to send out a special thank you to our fabulous musicians who made the event unforgettable. Local musicians Michael Hearne, Cullen Winter, and Jimmy Stadler were joined by Susan Holmes and Bjorn Hamre from Santa Fe. And a special thanks to Mitch and his staff at KTAO radio for making the event such a success.

Your generous donation gives us the encouragement we need during this critical time in our efforts to protect New Mexico's waters. We appreciate your support. •



*Friends of
the Wild
Rivers*

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New Mexico's Waters at Risk

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“non-jurisdictional” (outside regulation) and left without federal protections. We have many closed basins (water drains into the basin, not out) in New Mexico – Estancia, Sacramento Watershed, the Plains of San Augustine, and Tularosa – that would lose protections. Playa (seasonal) lakes, which serve as critical habitat for many animal species, are also at risk. If New Mexico cannot adopt its own definition of “waters of the state”, **these waters will not receive federal or state protection**. Any activities impacting these waters would be unregulated, with no way to legally stop it.

Last year, these bills were defeated. But just barely. We expect to see similar language this year. Please help us educate your state Senators and Representatives about this issue so that we can protect the quality of our state's waters. **Please call your state senator and representative today and ask them to protect New Mexico's waters.**

Timeline

- 1988 - NM Mining Association gets language inserted into NM Water Quality Standards that ties NM water protections to federal protections
- 2001 - The Federal Supreme Court holds that Clean Water Act protections do not cover certain isolated waters (the “SWANCC” decision)
- 2003 - Using SWANCC, the Army Corps of Engineers and EPA direct their field offices (there is one in Albuquerque) to stop providing protections to isolated waters
- 2005 – Amigos Bravos gets the WQCC to redefine “waters of the state” to include *all* NM waters, making NM's water quality standards “more stringent than” federal standards
- 2005 - During the NM legislative session, industry groups propose anti-clean water bills to limit NM's ability to protect its water quality; they were narrowly defeated
- 2005 - On May 23, the WQCC formally drops the language in New Mexico Water Quality Standards that had been added in 1988
- 2005 - On June 27, a coalition of industry groups files a lawsuit against the WQCC appealing the May decision
- 2005 - Amigos Bravos, NM Acequia Association, 1000 Friends of New Mexico, Gila Resources Information Project, and NM Trout intervene on behalf of the WQCC to help defend New Mexico's Water Quality Standards
- 2006 - We expect another battle in the State Legislature over these anti-clean water provisions •