

The evaluation process is scheduled to begin this summer with completion by spring of 2012. Proposals must be submitted by June 30 for initial Tier 1 screening. If a project passes the Tier 1 step, a second, more detailed proposal will need to be submitted by November 2011 for Tier 2 evaluation. A panel of evaluators from the ISC; New Mexico's departments of the Environment; Energy, Minerals and Natural Resources; Game and Fish; and Forestry as well as the State Engineer's Office will rate the projects. The proposed evaluation criteria, still to be approved by the ISC, cover technical viability, proposal costs, cost-effectiveness and benefit-cost, environmental impacts, and local ability to pay, among others. Deputy ISC director Craig Roepke has said that the ISC commissioners directed him to give more weight to projects that use Gila River water.

The Act is clear that there is a choice to be made under the AWSA: use \$66-million for water utilization projects that meet a water supply demand in southwestern New Mexico or use up to \$128-million to develop water from the Gila. The Act also directs the ISC to consult with our region in making decisions on how AWSA funds are expended. Yet the ISC is setting up a biased and unfair process that precludes an open discussion about this decision. How can the ISC consult with citizens of southwestern New Mexico when we're left out of the decision making process?

GCC has kept cost-effective non-diversion alternatives in the forefront of discussions in the AWSA planning process to ensure that they are considered as New Mexico

## NM GREENHOUSE GAS RULES STILL ROLLBACK TARGET

by Allyson Siwik, Executive Director

Two greenhouse gas (GHG) emission reduction programs continue to survive despite repeated attempts to repeal or undermine them since their passage last November by the New Mexico Environmental Improvement Board (EIB).

Almost immediately upon taking office in January, Governor Susana Martínez issued an executive order blocking the publishing of rules for participation in a regional cap-and-trade program proposed by the state's Environment Department, a separate rule put forth by New Energy Economy to reduce greenhouse gas emissions from New Mexico's largest polluters, regulations stipulating dairy water quality protections, and other measures deemed bad for business.

Without their publication, all of these rules would have been nullified. However, the New Mexico Supreme Court decided that there is a "nondiscretionary administrative duty to follow the law" and that the governor's actions were in fact unlawful.

On her first day in office Martínez

makes this critical decision. A common-sense approach to meeting our future water needs is through implementation of cost-effective water supply and demand management alternatives rather than a large-scale river diversion project. We can meet our water needs, protect the Gila and the wildlands it supports for future generations, and also save the taxpayer money.

also fired all of the EIB members over concerns about their approval of "anti-business" policies. Although seven bills were introduced during the 2011 legislative session to repeal or weaken the GHG rules, none were successful — thanks to pro-environment lobbying plus lots of phone calls and e-mail messages from constituents.

Currently, PNM, the state's largest utility, is appealing the above-mentioned new rule to reduce GHG emissions from the state's biggest emitters. Incongruously, the EIB is opposing New Energy Economy's participation in this Court of Appeals case despite the fact that the rule is a result of that group's petition to the EIB. "We are asking the Court to allow us to intervene in the appeal because the EIB is now aligned with PNM and the other opponents of greenhouse gas regulation," said attorney Bruce Frederick of the New Mexico Environmental Law Center. "As a result, the Board may not effectively defend the rule or protect our interests, or the public's interests."

Meanwhile, a new state task force deemed friendly to small-business has issued recommendations to "better improve the environment for small businesses" and has proposed repealing, revising or rescinding nearly 50 specific environmental and public health rules covering air quality, surface and groundwater quality, hazardous waste, wastewater, food safety, swimming pool safety, petroleum storage tanks, and radiation control. Reading like an industry "wish list," the task force proposes to remove or revise the New Mexico Cap-and-Trade program, to review the Oil and Gas Pit rule, and to rescind the new dairy regulations. The latter recommendation is particularly ironic given that the regulations are a result of a two-year public process that came about via a dairy industry bill introduced during the 2009 legislative session to develop a better set of water quality rules.

Although no details are contained in the report summarizing task force recommendations, a number of proposed regulations relating to surface water discharge permits, hazardous waste management, and air quality could benefit Grant County's biggest polluter: Freeport-McMoRan Copper & Gold. This is not surprising, since mining lobbyist T. J. Trujillo is a member of the task force. Thankfully, any repeal, rescission, or revision of the rules in question cannot be done by executive fiat, but instead will need to go through a public review process.

### THE GILA RIVER NEEDS YOUR HELP ... NOW!

Please send an e-mail TODAY to the ISC and tell them that its evaluation scheme is wrong and that you want a fair, open and transparent process to determine how southwest New Mexico will meet its future water needs! The ISC next meets on *May 18*, so your e-mails are needed immediately.

Here are points to include:

- *The Arizona Water Settlements Act makes it clear that New Mexico has a choice as to whether it uses funding for non-diversion or diversion projects;*
- *The Arizona Water Settlements Act directs the ISC to consult with the citizens of southwestern New Mexico in deciding how to expend AWSA funds;*
- *You support objective consideration of both non-diversion and diversion alternatives in a non-biased, transparent process.*

Please send your messages to:

- Jim Dunlap, ISC Chairman, waterjim1@live.com
- Estevan Lopez, ISC Director, estevan.lopez@state.nm.us
- John D'Antonio, State Engineer, john.dantonio@state.nm.us
- Patricio García, PAGarcia@rio-arriba.org
- Blaine Sánchez, indnh2o@aol.com
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- Buford Harris, bufordharris@yahoo.com
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Please cc: Gila Conservation Coalition so we can track of your e-mails: info@gilaconservation.org