



Get A GRIP

PROMOTING HEALTHY
COMMUNITIES BY
PROTECTING OUR
ENVIRONMENT SINCE 1998

► **Responsible Mining** ► **Healthy Rivers** ► **Community Planning** ► **Aquifer Protection** ► **Environmental Health** ► **Sustainability**

DON'T PIPE THE GILA TO TEXAS! AWSA PROCESS HEATS UP

by Allyson Siwik, Executive Director

With a little more than a year to go before New Mexico makes a decision on the use of 14,000 acre-feet/year of Gila River water, powerful interests have begun to show their cards in the nearly decade-long Arizona Water Settlements Act (AWSA) planning process. Senator John



Arthur Smith (D – Doña Ana, Luna, Hidalgo, Sierra counties), chair of the powerful Senate Finance Committee, submitted a capital outlay request during the current 60-day legislative session for \$25-million for the Interstate Stream Commission (ISC) “to plan, design, and construct a water conveyance pipeline

from the Gila-San Francisco water basin to the Las Cruces metropolitan area in Hidalgo, Luna, Doña Ana, and Grant counties.” Senator Smith’s staff has cited the Lower Rio Grande water rights dispute and helping Mesilla Valley farmers with their “Texas problem” as the reason behind his request.

This is not the first time Sen. Smith has turned to Grant County to assist his district with Rio Grande water problems. Remember that it was Sen. Smith who, behind closed doors, worked with the State Attorney *SEE AWSA UPDATE ON P. 3*

MINING UPDATE: THE CONTINUING SAGA OF THE COPPER RULES DEVELOPMENT PROCESS—AND MORE

by Sally Smith, Director of Responsible Mining

A heartfelt “thank you” to all who attended the September public meeting of the New Mexico Environment Department and/or made comments to NMED concerning its draft petition for water quality protection specific to copper mining.

Unfortunately—and despite a public outcry, pleas to the department secretary, legal motions to dismiss and remand the rulemaking back to the Advisory Committee, and undue influence by Freeport-McMoRan (FCX) over content of the final draft regulation—NMED upper management has not budged. Nor have NMED staffers divulged why the department incorporated FCX’s drastic last-minute changes to a draft regulation that had been collaboratively created during the previous eight months, through at least 19 meetings as well as long hours of phone conversations among members of the Technical Committee.

On December 14 the New Mexico Environmental Law Center (NMECL) filed a motion with the New Mexico Water Quality Control Com-

SEE MINING UPDATE ON P. 4

2013 MARKS GRIP'S 15TH ANNIVERSARY

Still fighting the good fight after all these years

by Allyson Siwik, Executive Director

To quote an overused—yet true—cliché: “Time sure does fly by!” GRIP turns 15 this year and it’s hard to fathom where the time has gone. One thing is for sure; GRIP has been hard at work to protect southwestern New Mexico’s land, air, and water. From its beginning in 1997 as a group of concerned citizens that came together to force Phelps Dodge (now Freeport-McMoRan) to get serious about its mine cleanup and reclamation responsibilities under the New Mexico Mining Act, GRIP has evolved into a multi-issue environmental organization. Here’s a quick summary of our most significant accomplishments over the past 15 years and a preview of what’s to come in our work.

Responsible Mining

GRIP’s primary goal of seeing closure and reclamation plans in place at the Chino, Cobre, and Tyrone mines here in Grant County has been accomplished. Backed by \$550-million in financial instruments that ensure the work can be done even if the mines go out of business, these plans represent an important victory for future Grant County generations, as they will protect our surface and groundwater resources and our air quality over the long term. GRIP will continue to ensure that these reclamation plans are implemented and not weakened in the future.

GRIP successfully appealed the Chino discharge permit for closure that would have allowed Freeport to dilute its mine effluent in order to meet water quality standards. In 2008, the company settled with GRIP and NMED and agreed to treat contaminated water, saving 9,000 acre-feet of clean water annually, triple what Silver City uses each year.

In 2009, GRIP was successful in defending the state’s Water Quality Act in the Tyrone permit appeal case. Freeport-McMoRan argued that it didn’t need to comply with reclamation conditions in its permit. Instead it argued that the company could implement institutional controls such as zoning and signage to prevent future generations from using polluted groundwater around the mine site. GRIP and state regulators contended this approach would amount to creating groundwater “sacrifice zones” at and around the mine site. The Water Quality

SEE 15 YEARS ON P. 2