

Back to nature

Rio Grande Sierran

Volume 59, Issue 3 News of the Sierra Club Rio Grande Chapter: New Mexico & West Texas July / August / September 2021



Photo by
Katie Emmer

Sierra Club outings resume after 16-month break: See back page



Photo by Ann M.

Clockwise from top left: Ken and Diane Reese in Carson National Forest; hikers stop to admire the view on a Kitchen Mesa outing; Americas High School students on El Paso's Lost Dog Trail.

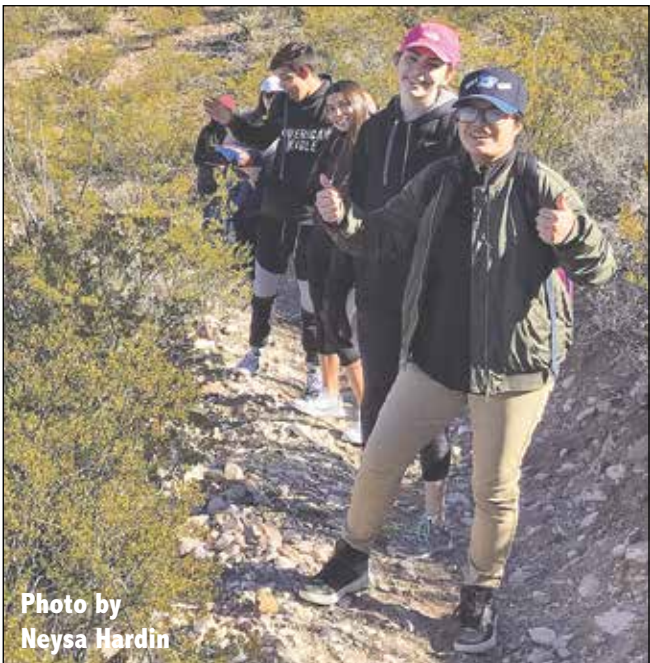
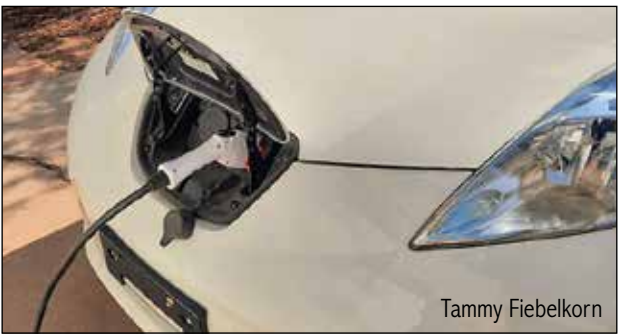


Photo by
Neysa Hardin



mexicanwolves.org

Gray wolves: Record number of pups fostered into the wild. **Page 5**



Tammy Fiebelkorn


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Gila Resources
Information Project

Dirty Water Rule: Repeal will restore protection to N.M. waterways. **Page 6**

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Inside:

EPA could thwart El Paso gas expansion

If the agency finalizes designation of air-quality violation for El Paso County before El Paso Electric gets a permit to expand Newman Gas Plant, the utility will have to go back to square one. **Page 7.**

Albuquerque residents fight asphalt plant

Proposed site of Hot Mix plant is close to South Valley homes, wildlife refuge. **Page 8**

River access focus of privatization scheme

Rule benefiting wealthy landowners is under question. **Page 11.**

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Slowing down to find our way out

Emerging from the pandemic is harder than I thought. Doing meetings from home actually made protecting family time easier. Evening events were the time it took to zoom on and off, no travel time needed. I was still there for bedtime snuggles for the little people. Now we emerge a little bit tired and frazzled because from home I might schedule a zoom meeting every hour of the day with no breather in between. So what does it mean for us, as individuals, as families, as colleagues, as coalitions, as movements to go back to “normal”?

The consensus needs to be that normal was not OK. But neither was the pandemic OK.

We’ve got to do more for working parents. We’ve got to do more for those who aren’t broadband-connected. We’ve got to do more to allow for flexible access to participate in public life. We have to understand and take on the inequities that the pandemic exposed.



Director’s column
Camilla Feibelman

And underlying the challenges that emerged in the pandemic is the systemic racism and sexism that pervade our lives. It became more visible to some. It became irrepressible for others. So how do we continually question, and improve the systems that we’ve existed in for so long?

George Floyd’s murderer was convicted. And yet black men, women and children continue to be killed by the police. Juneteenth is now a national holiday, and a Sierra Club holiday, too, and while that’s reason to celebrate, it’s also a reminder to deepen

our practice of rooting out systemic racism. The word holiday comes from “holy day,” and surely means a day where we suspend our normal activities to deepen the practice of our beliefs. What is our practice as a community? Are we still fighting for policing transformation as an environmental issue — that each person has a right to be safe in their environment? Are we still looking deeply into the ways in which systemic racism plays out in our person, our families, our organizations, our neighborhoods, our communities, our cities, our state, our country, our world? Are we taking real action to enact reparations? Are we holding fast to the need to pause, learn, and change? Do you sometimes feel overwhelmed by the enormity of issues like racism and climate change and how they are linked together? To better answer these questions, let’s deepen our practice of anti-racism together.

And for gender equity we have to ask

how work-life structures fit together. So many women quit their jobs to hold their families together. The Sierra Club offered family leave for those caring for dependents, allowed us to work from home and continues to provide mental health care for those of us struggling to keep it all together. But how do we ensure that each person has the right to develop to their full potential in their career and still experience the daily joys of family life?

I’m not always good at slowing down because of the feeling of urgency that drives our movement. But I can’t help but wonder if we all shouldn’t take a pause this summer to take stock, to better understand how we are, how we’ve been and how we want to be.

Join me in that. Take a break. Join one of our outings, which start this month (see back page). And then let’s come together to move forward not just together but also better.

Call for Executive Committee nominations

The Rio Grande Chapter is made up of five regional groups in New Mexico and West Texas, all led by volunteer executive committees. If you’re a member of the chapter and would like to be considered for nomination to either your local group or the chapter Executive Committee — or if you’d like to nominate someone else — please write to monablaber@gmail.com.

Call for volunteers

The Rio Grande Chapter is a volunteer-led and volunteer-driven organization. We need volunteers for everything from calling members about events to mailings to cataloguing photos. Want to learn more about how you can help? Email monablaber@gmail.com.

Western yellow-billed cuckoo gets protection



Photo by Mary Katherine Ray

By Mary Katherine Ray
The Western yellow-billed cuckoo was listed as threatened under the

Endangered Species Act in 2014. In April, U.S. Fish and Wildlife designated 300,000 acres of critical habitat along streams and rivers in seven western states including New Mexico. The New Mexico portions include a long stretch of the Rio Grande River in Socorro and Valencia counties along with portions of the Gila, Mimbres, San Francisco rivers and upper Rio Grande. This bird was seen in Sierra County along the Rio Grande.

The call of the yellow-billed cuckoo consists of loud rattles and hoots. Folklore has it that because of when you can hear them and their loud volume, the bird is summoning rain, which is why he’s sometimes called the “rain crow.” Given the recent arrival of rain at last to most of New Mexico, it must have worked!

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Photo courtesy Kayley Shoup

Kayley Shoup, a Carlsbad, NM, resident and member of Citizens Caring for Our Future, has been visiting oil and gas sites with Earthworks to use FLIR cameras to reveal leaks of invisible methane and VOCs.

Speaking out for oil and gas reforms, waiting for action

Miya King-Flaherty
Our Wild New Mexico
organizer

A recent ruling has lifted President Joe Biden’s temporary pause on new oil and gas drilling on public lands and waters, but its effect remains murky as we wait for the Interior Department’s report on the impacts of fracking on our climate.

The industry has thrown up continuous obstacles to the administration’s efforts to protect our climate, health and waters, but Americans are speaking out. As surveys show that most Southwest residents want oil and gas drilling on public lands to be halted, the Interior Department is reviewing the federal oil and gas leasing program.

The agency is expected to release its interim report in July as it considers reforms to the Bureau of Land Management’s oil and gas leasing program that has long needed updating. The report could assess whether the current leasing process provides the American public with fair returns, how to ensure leasing complies with laws like the National Environmental Policy Act, and proper tribal consultation.

With a new administration and Interior Secretary Deb Haaland leading these efforts, we have real opportunities to make

Take Action

New Mexio leaders have not taken a position in support of President Biden’s pause on new oil and gas leasing or on making the moratorium permanent. **Please ask Gov. Lujan Grisham and Sens. Heinrich and Luján to support an end to new oil and gas leases on federal land. Go to bit.ly/drillingpause to take action.**

fundamental reforms that center on tackling the climate crisis and environmental justice.

Other reforms under consideration are increasing federal bonding rates that operators pay. Before they can drill, companies must post money — called a bond — for cleanup. Unfortunately, the bonding amounts set by the state and federal governments are too low to cover the cleanup costs of abandoned wells. A recent Center for Applied Research report for Land Commissioner Stephanie Garcia Richard revealed that capping orphaned oil and gas wells could cost \$8.4 billion. This figure does not include the cost of reclaiming a well site or cleaning spills, nor does it account for the thousands of wells on federal lands. The state has just over \$200 million in financial assurance funds to plug orphaned wells, leaving New Mexicans on the hook to fund the enormous gap. Orphaned wells leak methane and other volatile organic compounds (VOCs) that

contaminate our air and impact the health of our communities.

To address the climate crisis and identify solutions to reduce our state’s reliance on a volatile industry, taking steps like pausing new oil and gas leasing are necessary. In New Mexico, 97% of the available public lands are already leased for oil and gas drilling, and the industry has stockpiled more than 6,000 drilling permits that were not affected by the pause and would continue to generate revenue for years.

A group of concerned citizens, impacted community members and chapter representatives recently met with New Mexico federal congressional staff to advocate for reforms and for a permanent end to new oil and gas leasing on federal lands. We must expedite the transition to renewable energy, find alternatives for replacing our tax revenue with stable sources, and generate clean-energy jobs. Our New Mexico leaders need to hear from you. See the box above to take action.

U.S. methane rules restored; N.M. shapes safeguards

By Camilla Feibelman
Chapter director

Federal methane safeguards: President Biden signed legislation on June 30 to restore Obama-era EPA safeguards to reduce oil and gas methane pollution. The legislation, introduced by Sen. Martin Heinrich, was a key first step in taming the greenhouse-gas emissions spewing out of oil and gas facilities.

The week before, the EPA hosted listening sessions specifically to hear from those in the regions most impacted by oil and gas extraction. The sessions are intended to inform new methane safeguards that will hopefully go beyond the Obama rules and make up for the lost years of progress on protecting our climate, our health and our kids. Close to 50 New Mexicans joined hundreds of moms, people of faith, and front-line community members in calling for the strongest rules possible, which would lead to 65% methane capture by 2025.

These stronger safeguards will likely be out for public comment in September, but in the meantime there’s still time to comment in favor of strong rules by the July 30 deadline. **Take action at sc.org/methane.**

Oil Conservation Division methane rule: New Mexico’s Oil Conservation Division methane rules went into effect on May 25. These rules will help industry prepare for strong federal methane protections and may even be a model for them. The state banned routine venting and flaring in oil and gas operations and requires companies to submit gas capture plans to describe what they’ll do with the fracked gas methane that they’ll collect in their operations and that they would have otherwise released into the atmosphere.

Environment Department ozone rules: The New

Take Action

Methane action: To tell the EPA to take the strongest action possible on the powerful greenhouse gas methane, **please go to sc.org/methane** and speak up for climate-saving safeguards!

NM climate survey: The state of New Mexico is asking residents to take a survey on climate change and what we would like the state to prioritize. For the English survey, go to www.surveymonkey.com/r/VQTCCKHQ. For Spanish, go to es.surveymonkey.com/r/TV8QBSJ

Mexico Environment Department has also put forward a strong proposal to cut smog-forming volatile organic compounds (VOCs) released by the oil and gas industry in counties around the state that are on the brink of exceeding federal standards. Gov. Michelle Lujan Grisham and Environment Secretary Jim Kenney deserve credit for the hard work to craft a smart, common-sense proposal to protect our air and climate.

When these rules are heard in September, there are a few improvements the Environment Department should make to protect communities and address major sources of pollution. These include protections for those living close to oil and gas facilities, strong requirements for operators to control pollution during the completion of an oil or gas well or when they redevelop an existing well, and strengthening requirements to cut pollution from pneumatic controllers that are used in oil and gas production.

To learn more, please email camilla.feibelman@sierra-club.org.

Excerpts from testimony at EPA methane listening sessions June 15-17

“With 122 gas wells on our ranch, we have always looked to the EPA to protect our family from the harmful, toxic and even deadly pollution that every gas well emits. We celebrated in 2012 when EPA put its methane emission standards in place and really saw how that immediately improved our lives and those of our neighbors. When those protections were taken away from us in 2017, we suffered not only the physical harms, but also a loss of hope. ... Now, as EPA considers restoring those vital protections for our family, we have a chance to hope again.”

— **Don Schreiber, Four Corners rancher**

“My family holds allotments in Eastern Agency of the Navajo Nation near Nageezi, New Mexico, where extraction has spread rapidly. We always knew about the impacts of oil and gas in our community that we could see with our own eyes all around the Navajo Nation. After learning more about the methane hotspot that hovers over the Four Corners, I know we need strong action on methane and other pollutants that are invisible and odorless that continue to impact our climate and our communities’ health.

— **Joseph Hernandez,**
NAVA Education Project Diné energy organizer

“When we were young growing up in Shiprock, there were flowers and grasses carpeting the semi-desert open-range areas. Rains and snows came when they were supposed to. Now we are in a prolonged drought. We are in a national sacrifice zone with the nation’s largest methane hotspot hovering overhead, and we have had to live with the pollution from the power plants, the mining, and oil and gas development for many decades. The carbon and the gases ... are killing the flowers, the rains and the snows, and possibly our future. I respectfully request that the EPA make the strongest rules possible to reduce the methane pollution and stop the release of methane.”

— **Daryl Junes Joe,**
Diné elder and United Methodist Women, Shiprock

Sierra Club Rio Grande Chapter Contacts

riograndesierraclub.org

facebook.com/nmsierraclub

Twitter: @riograndesierra

instagram.com/riograndesierraclub

Executive Committee

Susan Martin, chair, 505-670-3279, smartin317@gmail.com
Diane Reese, vice chair, Central New Mexico Group representative: DianeAbqNM@gmail.com
Laurence Gibson, secretary, 915-309-5419, lgibson@utep.edu
Ray Shortridge, 505-604-3908
John Buchser, jbuchser@comcast.net, 505-820-0201
Karl Braithwaite, 505-850-3369, karl@braith.net
Derrick Toledo, 505-401-7932, derrick.toledo@gmail.com
Dale Doremus, 505-795-5987, ddoremus@q.com,
Shannon Romeling, 575-758-3874, sromeling73@gmail.com
Anita Gonzales, 505-425-9581, anita4newmexico@gmail.com
Ken Hughes, Northern New Mexico Group representative: 505-474-0550, b1family@icloud.com
Jody Benson, Pajarito Group representative, anteaterjb@gmail.com, 505-662-4782
Kurt Anderson, Southern New Mexico Group representative, 575-646-1032, kurt@nmsu.edu
El Paso Group representative: Open

Offices and Staff

Albuquerque office
2215 Lead Ave. SE, Albuquerque, 87106, 505-243-7767
Camilla Feibelman, Rio Grande Chapter director, 505-715-8388, camilla.feibelman@sierraclub.org
Miya King-Flaherty, Our Wild New Mexico organizing representative, 505-243-7767, miya.king-flaherty@sierraclub.org
Roddy Hughes, Beyond Dirty Fuels Campaign senior campaign representative, 202-271-5881, roddy.hughes@sierraclub.org
Treasurer: **Connie Huffmire**, 505-382-5769
Northern New Mexico Office
1807 Second St., Unit 45 Santa Fe, NM 87505 • 505-983-2703
Mona Blaber, communications, 505-660-5905, monablaber@gmail.com
Claire McKnight, PAC treasurer, 646-864-0209, claire.mcknight@gmail.com
Brintha Nathan, bookkeeper, 505-310-0595, brintha2709@yahoo.com
Southern New Mexico
Antoinette Reyes, Southern New Mexico organizer, 575-342-1727, antoinette.reyes@sierraclub.org

Luis Guerrero, legislative and political organizer, luis.guerrero@sierraclub.org or (575)635-3354.
Sierra Club National
2101 Webster St., Suite 1300, Oakland, CA, 94612. 415-977-5500

Local Groups

Central New Mexico Group, 2215 Lead Ave. SE, Albuquerque, 87106 Chair: Diane Reese, DianeAbqNM@gmail.com, 505-507-6416
El Paso Group, P.O. Box 9191, El Paso, TX 79995, Chair: Laurence Gibson, lgibson@utep.edu, 915-309-5419.
Northern New Mexico Group, 1807 Second St., Unit 45, Santa Fe, NM 87505, 505-983-2703, Chair: John Buchser, jbuchser@comcast.net, (505) 820-0201.
Pajarito Group, 520 Navajo Road, Los Alamos, NM, 87544. Chair: Jody Benson, anteaterjb@gmail.com, 505-662-4782.
Southern New Mexico Group, P.O. Box 735, Mesilla, NM, 88046; Chair: Howie Dash, howiedash@aol.com, 575-652-7550.

Outings

Chapter outings chair: Terry Owen, teowen@comcast.net, 505-301-4349
Central New Mexico: Terry Owen
El Paso: Laurence Gibson, lgibson@utep.edu
Northern New Mexico: Alan Shapiro, nm5s@yahoo.com
Southern New Mexico: Howie Dash, howiedash@aol.com, 575-652-7550
Inspiring Connections Outdoors:
Santa Fe: Raymond Greenwell, matrng@hofstra.edu, 516-312-5751
El Paso: Ted Mertig, 915-852-3011, tcmertig@sbcglobal.net
Military Outdoors Program:Terry Owen
Excursiones a la Naturaleza: www.facebook.com/ExcursionesNaturalezaNM

Conservation Issues

Conservation Chair: Karl Braithwaite, 505-850-3369, karl@braith.net
Energy/Climate Change: Chair: Karl Braithwaite
Water: Dale Doremus
Dairy: Dan Lorimier, dlorimier1948@gmail.com
Water Sentinels: Shannon

Romeling
Public Lands: Chair: Derrick Toledo
Bosque Action Team: Richard Barish, richard.barish@gmail.com, 505-232-3013.
Nuclear-Waste Storage: Chair: John Buchser
Wildlife: Chair: Mary Katherine Ray, 575-537-1095, mkrscrim@gmail.com
Four Corners: Miya King-Flaherty, miya.king-flaherty@sierraclub.org
Methane: Camilla Feibelman, camilla.feibelman@sierraclub.org
Mining, Sand & Gravel: Allyson Siwik, allysonsiwik@gmail.com; Teresa Seamster, ctc.seamster@gmail.com
Transportation: Chair: Ken Hughes.
Zero Waste: Central NM Group: Carol Chamberland, pictografix@comcast.net, 505-341-1027
Pajarito Group: Peggy Froehlich
Bag-Free Team: Jody Benson, echidnaejb@gmail.com, 505-662-4782

Activism Teams

Communications Team: Chair: Shannon Romeling. Members: Laurence Gibson, John Buchser
Rio Grande Sierran Editorial Board: Laurence Gibson, Ken Hughes, Mary Katherine Ray, Jody Benson, David Coss, Shannon Romeling
Sierran Editor: Mona Blaber, 505-660-5905, monablaber@gmail.com
Web Editor: Ellen Loehman, loehman@msn.com, 505-328-2954
Elections: John Buchser, Claire McKnight
Nominating: Mona Blaber, Michael Di Rosa, Ken Hughes
Finance: Chair: Ray Shortridge, 505-604-3908; Members: Brintha Nathan, Howie Dash, Claire McKnight, Connie Huffmire
Friends and Funds: Chair: Open
Members: John Buchser, David Coss, Shannon Romeling
Legal: Richard Barish, 505-232-3013, richard.barish@gmail.com
Legislative: Co-chairs: Patricia Cardona, 505-469-3230, patriciacardona24@yahoo.com; Melinda Smith, smith@igc.org, 505-515-7284
Personnel: Susan Martin, Ray Shortridge, Fred Houdek

Political Committee:

Chair: Richard Barish, richard.barish@gmail.com, 505-232-3013. Northern Group: Ken Hughes; Pajarito Group: Jody Benson; Central Group: Diane Reese; Southern Group: Dan Lorimier; El Paso Group: Laurence Gibson;
Members: Susan Martin, John Buchser; Patricia Cardona, Chris Calvert, Joe Wells, Carlos Trujillo, Tom Ribe.
Trade Issues: Chair: Richard Barish
Political Compliance officer: Richard Barish
Sierra Student Coalition: El Paso: Neysa Hardin, nrhardin@yahoo.com; Albuquerque/UNM: Keely Scheffler, kscheffler99@unm.edu, 303-217-1943

Coalitions/

Working Groups

America Votes: Luis Guerrero
Chaco Coalition: Miya King-Flaherty, Teresa Seamster
Coalition for Clean Affordable Energy: Karl Braithwaite, Camilla Feibelman
Doña Ana County Coalition: Howie Dash
Friends of the Rio Grande del Norte: Eric Patterson
Otero Mesa Action Team: Antoinette Reyes
Valles Caldera Coalition: Teresa Seamster, Tom Ribe
Nuclear-waste storage: John Buchser, Patricia Cardona
Chihuahuan Desert Border Coalition: Antoinette Reyes, Kurt Anderson

National

Representatives

Council of Club Leaders
Delegate: Shannon Romeling. Alternate: Susan Martin
Building Healthy Communities Team facilitator: Ken Hughes
Sierra Club Wildlands and Wilderness BLM Subteam: Derrick Toledo, Miya King-Flaherty
Rio Grande Water Fund: Teresa Seamster
National Water Sentinels: Teresa Seamster, Shannon Romeling
Cover banner photo of Sierra Negra by Aku

‘Rio Grande Sierran’ publication

The *Rio Grande Sierran* is published four times a year, in January, April, July and October, by the Rio Grande Chapter of the Sierra Club as a benefit for members in New Mexico and West Texas. The opinions expressed in signed articles in the *Sierran* are the opinions of the writers and not necessarily those of the Sierra Club. Products and services advertised in the *Sierran* are not necessarily endorsed by Sierra Club.

Contributions are welcome. Send them to riogrande.chapter@sierraclub.org. Submissions by Rio Grande Chapter members will take precedence. Articles chosen to be published are subject to editing.

Letters to the editor may be up to 400 words, subject to editing, and are printed at the discretion of the editorial board.

Editorial practices as developed and adopted by the chapter will be used in production of the *Sierran*.

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Record cross-fostering wolf success

By Mary Katherine Ray
Chapter Wildlife chair

This year, the US Fish and Wildlife Service has announced that in April and May, a record 22 captive-born wolf pups have been cross-fostered into wild dens. Nine pups have been fostered into three different packs in Arizona, and 13 pups have been fostered into five different packs in New Mexico.

Cross-fostering is a way to lower the degree of inbreeding that has taken place in the wild population. Mexican wolves came so close to permanent extinction that by the time efforts to save them began, only seven were left. Such a small founding population meant that their genetic reservoir would also be small.

Over time, with few releases from captivity, the wild population has become even more inbred. So placing captive pups with important genes into wild dens at birth or shortly thereafter to be raised in wild families is a way to add genetic diversity to the wild population.

However, to be successful, the genes of these pups must actually be incorporated into the wild population, and that can't happen unless and until they grow up, find mates, form packs and have pups of their own. This can take at least two years. Some cross-fostered pups have indeed done just that. A newly formed pack, the Negrito pack in Catron County, consists of a wild-born female and a 2018 cross-fostered male.

But now there's trouble. Both Negrito wolves were removed from the wild to captivity last spring for preying on cattle. They were in an area of the National Forest where wolves have often run afoul of livestock interests, begging the question about why the Forest Service does not change the management protocols for livestock in this area to better mitigate this problem. But at least the Negrito wolves were not killed outright, which has happened in past similar situations.

At the time of their removal, the Negrito female was pregnant! What to do with wolves who carry important DNA but who have killed livestock? Enter the privately owned Ladder Ranch in Sierra County. This ranch, owned by Ted Turner, abuts the Black Range Mountains of the Gila National Forest. The ranch already has large acclimation pens for Mexican wolves and has long sought to have a pack released within its boundaries. The Ladder Ranch has offered itself as a haven for imperiled species like the Bolson Tortoise and the Chiricahua Leopard Frog. What could be better than a landowner willing to

July/August/September 2021



Courtesy Arizona Game and Fish Department

An Arizona Game and Fish trail cam captured this pack of Mexican gray wolves recently. Only a little more than 100 gray wolves exist in the wild in Arizona and New Mexico.

offer a home to wolves who need a home? The Fish and Wildlife service announced that for the first time, an entire wolf family will be released onto private land this summer.

The Ladder Ranch encompasses 243 square miles and it raises bison, not cattle, which are much less vulnerable to predation. The ranch also has a vibrant elk population to serve as the wolves' main food source. At this moment, pups have been born! They will need to be about 6 weeks old for the pack to leave the pens and enter the wild. Young pups should anchor their parents to the area and once they set up house, they won't be likely to leave.

The Mexican gray wolf is so endangered that this subspecies was not included in the nationwide delisting of wolves by the previous administration. This delisting and subsequent wolf management under state control has been a violent and bloody catastrophe. Wisconsin had a spring wolf hunt that was so rapacious it exceeded the quota by more than 80%, also orphaning and killing pups that were doubtless in dens at the time. Idaho has passed a law allowing 90% of its wolves to be killed, and Montana has passed similarly barbaric measures that increase the length of the wolf hunting and trapping season (including the use of strangulating snares) to kill a limitless number of wolves.

Sierra Club has joined with the Center for Biological Diversity and the Humane Society of the US to petition the US Fish and Wildlife Service to re-list the Northern gray wolf. State and local governments cannot be entrusted with the stewardship of these important and beautiful animals.

Even though the Mexican gray wolf remains protected, Sierra County officials have threatened to sue the U.S. Fish and Wildlife Service over the Ladder Ranch release. Republican state Sen. Crystal Diamond, in whose district the Ladder Ranch lies, sent a letter to the agency voicing her opposition to the Ladder Ranch translocation. Republican

U.S. Rep. Yvette Herrell sent a letter to Land Commissioner Stephanie Garcia Richard opposing the cross-fostering of wolf pups into the only den that is on state trust land. These officials have no authority to change plans for the lobo, but they demonstrate how politicized wolves have become.

As the drought and heat

intensify across wolf country this summer, livestock operations have had to sell cattle or watch them starve. Prices are not that good. Both factors are a much larger threat to such operations than wolves could ever be. It's easy to look at wolves as symbols of government meddling, bad market conditions and even

State management after delisting of most wolves has been a catastrophe.

Wisconsin's spring wolf hunt exceeded the quota by more than 80%. Idaho passed a law allowing 90% of its wolves to be killed.



the decreasing political power of the cattle industry. The political maneuvering is a good reminder that no matter how successful Mexican wolves may yet be, their federal protection must continue.

Meanwhile, young wolf pups are opening their eyes in wild dens with adopted parents who will raise them wild. And hopefully an entire wild family will soon roam with the buffalo, returning to their place in Nature and returning at least some of Nature to a place of restoration.

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Photo by Tammy Fiebelkorn
NM Environment Secretary Jim Kenney, third from right, celebrated the opening of new Albuquerque EV chargers on June 24, the same day he announced that the department won't start Clean Cars rulemaking until 2022, which could delay implementation until 2027.

N.M. is stalling on Clean Cars, so we got it started

By Mona Blaber
Chapter communications
New Mexico has pledged to create Clean Cars standards to tackle the climate emergency — but the state's timeline could delay adoption for years. So we did it for them.

Gov. Michelle Lujan Grisham pledged in 2019 to create standards to tackle vehicle climate pollution and require manufacturers to deliver an increasing number of electric vehicles to New Mexico. When 2020 came, the state said rulemaking would start in spring 2021. Now the state has postponed again, promising a rulemaking in 2022.

But because of Clean Air Act requirements around compliance timing, if New Mexico misses the window of finalizing standards this year, it likely couldn't implement clean-car rules until 2027 — much too long to wait.

So in May, a coalition of groups, including the Sierra Club, began the process ourselves, filing a petition at the state Environmental Improvement Board and supplying a draft rule and the regulatory documents needed for the state to swiftly adopt the standards. This rulemaking is less complicated than most because federal law



Take action

You can help jump-start Clean Cars standards in New Mexico: Go to bit.ly/cleancarsNM to urge the Environmental Improvement Board to begin Clean Cars rulemaking now.

allows only two options — the current default federal rules or the Advanced Clean Cars standard that 17 other states have adopted or are adopting.

On July 1, our coalition also filed a petition with the Albuquerque-Bernalillo County Air Quality Control Board, asking it to update its standards by the end of 2021. The state and city both adopted Advanced Clean Car standards under Gov. Bill Richardson, but Gov. Susana Martinez revoked the state rules. However, the city never revoked its own, so all it has to do is

update the rules already on its books.

The EIB must hear and approve our petition at its July 23 meeting in order to hit the deadline for the state to finalize Clean Car standards this year.

Unfortunately, New Mexico's Environment Department plans to oppose our petition, claiming that it doesn't have the resources for a rulemaking and that it wants a long public-meeting process. But the EIB process already provides opportunity for public comment, and because the standard New Mexico adopts must match other states', there aren't adjustments or details for stakeholders to weigh in on.

New Mexico's environmental agencies have their hands full trying to protect us, and they are underfunded. Petitioning an EIB rulemaking reduces the onus on the Environment Department.

"2022 is too late," said Tammy Fiebelkorn of Southwest Energy Efficiency Project, the group heading the coalition. "Transportation is New Mexico's second-largest source of climate pollution. We need to act now in order to reach the governor's goal of 45% reduction in greenhouse gases by 2030, we must start this rulemaking now."

Groups applaud repeal of Dirty Water Rule

Current law leaves more than 90% of NM waterways unprotected from wastewater, industrial discharge

By Mona Blaber

Water advocates across New Mexico applauded the Biden Administration's June 9 announcement that it will begin the process to repeal the Trump Administration's Navigable Waters Protection Rule, also known as the "Dirty Water Rule."

The rule, combined with previous reductions of protections at the federal level in 2001 and 2006, negatively impacts New Mexico more than any state in the nation, leaving more than 90% of New Mexico's waters unprotected by the federal Clean Water Act.

Amigos Bravos, New Mexico Acequia Association, and Gila Resources Information Project, represented by New Mexico Environmental Law Center, joined last year to appeal the Dirty Water Rule. The groups said the appeal will remain active until the rule is formally repealed. The Sierra Club and other conservation partners joined Earthjustice in a lawsuit against the rule. A New Mexico watershed, Chávez Creek, was part of the basis for the suit.

"Decades of environmental racism have left Native and land-based communities here in New Mexico feeling the impacts of water pollution for too long, and the Dirty Water Rule has only exacerbated the disparity," said Rachel Conn, Amigos Bravos projects director. "By quickly repealing this harmful rollback of the Clean Water Act, the Biden administration can finally

Southern New Mexico Group

Chair and Outings: Howie Dash, howiedash@aol.com, 575-652-7550
Treasurer: Cheryll Blevins, spotblev@earthlink.net, 575-524-4861
Secretary and Wildlife: Mary Katherine Ray, mkrscrim@gmail.com, 575-772-5655
Political: Dan Lorimier, dlorimier1948@gmail.com
Kurt Anderson, kurt@nmsu.edu, 575-646-1032
Mary Hotvedt: mary-hotvedt@aol.com

tackle the nation's clean-water crises and ensure that clean water for all is the standard."

Paula Garcia, New Mexico Acequia Association executive director, said the Trump rule "has a disproportionate impact on land-based communities that depend on surface water for irrigation."

"Acequias, centuries-old irrigation communities, are specifically vulnerable to water pollution on stream systems that lack protection under the Trump rule," Garcia said.

"Clean water is fundamental to our riparian ecosystems, wildlife and outdoor recreation economy. The Dirty Water Rule threatens our rivers in New Mexico, like the iconic Gila River, by prioritizing some industries over the health of our waterways and those whose livelihoods depend on clean water. By quickly repealing the rule, the Biden administration can support local jobs and ensure the great outdoors remain accessible and protected," said Allyson Siwik, Gila Resources Information Project executive director.

Volunteer support helped Stansbury cruise to victory

By Luis Guerrero,
Chapter Legislative and Political Organizer

On June 14, House Speaker Nancy Pelosi swore in New Mexico's new 1st Congressional District representative, Melanie Stansbury.

The Sierra Club Rio Grande Chapter endorsed Stansbury during the nominating process because of her strong record of championing climate justice as a state representative, including her stewardship of the Climate Solutions Act in the 2021

session.

Sierra Club volunteers called fellow members to get out the vote for Stansbury, held virtual office hours, and held events and trainings to encourage each other as we campaigned remotely. Rep. Stansbury joined one of our phonebanks to answer questions along with her field team and thank our chapter for all the support.

In the June 1 election, Stansbury beat Republican Mark Moores 60 percent to 36 percent in a race many around the nation were watching as

a harbinger for the 2022 midterms.

Rep. Stansbury's landslide victory sent a national signal that climate is a winning message.

The Bernalillo County Commission chose Pamela Herndon to serve out the remainder of Stansbury's term in the state Legislature. We look forward to working with both our new representatives!

Thanks to all of you for your help electing U.S. Rep. Stansbury and for helping us put another climate champion in Congress!



Photo courtesy U.S. Rep. Melanie Stansbury
U.S. Rep. Melanie Stansbury, foreground, was sworn in on June 14. July/August/September 2021

Enchant wants to run San Juan as is

By Mona Blaber
Chapter communications

As its chances at converting coal-burning San Juan Generating Station to a carbon-capture power plant dwindle, Enchant Energy has revealed plans to continue to run San Juan as a coal-burning polluter without carbon capture after PNM exits in 2022, despite a state law that says it can't.

Enchant's \$1.4 billion scheme to convert of the 847-MW San Juan Generating Station to a carbon-sequestration facility is nearly two years behind schedule, according to the

Institute for Energy Economics and Financial Analysis (see ieefa.org).

Enchant had planned to use federal tax credits to entice investors to fund its proposal. But investors have been skeptical, especially after the mothballing of the flagship Petra Nova project. Now Enchant says it will need \$1 billion in loan guarantees and debt financing from the U.S. Department of Energy and Agriculture Department.

PNM plans to exit San Juan in 2022, and Farmington, with its 5% stake, hopes to keep the plant alive by taking over and transferring it to Enchant.

However, the Energy Transition Act requires New Mexico coal plants to reduce carbon emissions to about 50% of what San Juan now emits by 2023. Enchant isn't on schedule to capture carbon by 2023, but its CEO told *The Albuquerque Journal* that the state has yet to create rules to enforce that requirement, and a three-year rolling average would allow it to continue running San Juan as is for a few more years. However, an Environment Department representative told the *Journal* it is highly unlikely to impose a rolling average.

The Sierra Club was among nine

groups signing a San Juan Citizens Alliance letter to the federal government requesting an Environmental Impact Statement before Enchant receives any federal funds.

Houston's money-losing Petra Nova, the only operating carbon-capture coal plant in the nation, captured only a small fraction of the carbon emissions it promised before shuttering last year. While Enchant's effort also looks unlikely to pan out, regulators and the public must stay vigilant to ensure that it won't extend the life of a decaying (see photo below) and dangerously polluting plant.

San Juan cooling tower collapses



The cooling tower that serves San Juan Generating Station Unit 1, one of two operating units at the coal plant, collapsed on June 30. David Fosdeck took this photo of the collapsed stacks of the cooling tower on July 5 and said both Unit 1 and Unit 4 were offline at the time. Plant operator and majority owner PNM has revealed very little about the collapse or its implications. Will PNM bother to spend millions repairing the tower before it exits the plant in 2022? Are there emissions impacts? What are the implications for Enchant's risk-laden effort to convert the plant to a carbon-capture coal facility? Few answers have been provided.

PRC calls out PNM, Avangrid

By Mona Blaber
Rio Grande Chapter

The New Mexico Public Regulation Commission has dealt several setbacks to Avangrid's efforts to take over the state's largest electric utility, PNM.

The Sierra Club has requested changes to the Avangrid-PNM merger agreement because it requires PNM to offload coal-fired Four Corners Power Plant to Navajo Transitional Energy Company, which is owned but not run by the Navajo Nation. PNM has agreed to pay NTEC \$75 million in shareholder funds as a buyout of its coal contract but wants customers to pay for \$73 million in improvements on its 13% share of the plant before it transfers ownership. PNM has also promised to veto any effort by other owners to close the plant while it still owns it. Since PNM will be the owner until 2025 and closure votes require two years' notice, that would guarantee the plant would stay open until 2027.

NTEC, which owns the coal mine that feeds Four Corners, has said it wants to keep the coal plant open as long as possible, even past its current planned retirement date of 2031, if possible.

In June, PRC hearing examiner Ashley Schannauer ordered Avangrid to demonstrate why it withheld information on customer-service penalties its Maine subsidiary incurred and why it shouldn't be penalized for not disclosing it.

Also in June, Schannauer agreed with the Sierra Club that questions concerning the role of Four Corners Power Plant are relevant to the merger case.

The merger and the Four Corners deal must both be approved by the PRC, which can adjust or reject either. Sierra Club is an intervener in both cases, as are allies Coalition for Clean Affordable Energy, Diné CARE, NAVA Education Project, San Juan Citizens Alliance and others. Those groups signed on to a merger settlement after Avangrid agreed to invest millions in the impacted Four Corners community, develop 200 MW of renewable energy on the Navajo Nation and invest in electrification and energy efficiency for low-income New Mexicans and indigenous and other frontline communities. PNM's Four Corners transfer to NTEC, which Sierra Club and those groups oppose, will be heard in a separate case, with hearings starting in August.

EPA may thwart EPE gas plan

By Antoinette Reyes
Chapter Conservation Coordinator

The Sierra Club and partners have been granted legal standing in a contested case hearing for the air permit that El Paso Electric is seeking to expand the Newman Gas Plant located at the border of El Paso County and Doña Ana County.

Our standing declarants are Sierra Club members who are directly impacted by the facility's pollution, as they live within 2 miles of the plant. The administrative-law judge also gave standing to Earthworks, but not to Eco El Paso, another local organization opposing the Newman 6 expansion.

Newman Gas Plant is already the biggest emitter of nitrogen oxide (NOx) in the region. NOx exposure is associated with respiratory problems, heart disease, and negative birth outcomes. NOx emissions turn into

July/August/September 2021

El Paso Group contacts

Laurence Gibson, Chair, (915) 309-5419 laurenceagibson@gmail.com	ewalsh@utep.edu Neysa Hardin (915) 227-5154, nrhardin@yahoo.com
Ann Falknor, Secretary, (915) 833-9162 afalknor@sbcglobal.net	Francesca Wigle (512) 497-5026 fwigle@gmail.com
Liz Walsh, (915) 342-7630,	elpasosierraclub.org

ozone (smog) pollution in the atmosphere.

Another encouraging development is the U.S. EPA's preliminary acknowledgement that El Paso County is in violation of air-quality standards.

The Sierra Club and many others sued the EPA in 2018 for not correctly designating counties including El Paso for violating the 2015 air-quality standards. Ozone is harmful to breathe and it aggressively attacks lung tissue, according to the Lung Association. Aside from the health impacts, NOx pollution is more harmful to the climate than carbon dioxide.

If that designation is finalized before the air permit is given, the Newman 6 project would have to go back to square one and likely have to resubmit a new application.

The EPA's new designation would require new industrial facilities and possibly existing ones to have stronger air pollution controls, more air monitoring, and the state would need to create a plan to reduce ozone pollution in the future.

The American Lung Association ranks El Paso 13th on its list of the most smog-polluted metropolitan

areas in the U.S., worse than New York, Chicago, and Dallas-Fort Worth. Each year in the El Paso area, about 18 people die prematurely and 53 people end up in the emergency room due to elevated smog levels.

EPA's action would force Texas to start taking action to reduce this dangerous pollution. New facilities would have to comply with stronger emission controls. Texas would also have to adopt a plan for reducing pollution from existing facilities, which will help us hold big polluters accountable for their harmful emissions.

Time is of the essence: Please urge the EPA to act in time to make a difference on Newman and other polluting facilities. **Go to bit.ly/elpaso-ozone** to ask the EPA to quickly finalize the designation and help us prevent EPE's dirty new gas generator on the Texas border!

Neighbors protest proposed asphalt plant

By Diane Reese

Central New Mexico Group chair

I live in the South Valley of Albuquerque. You may never have visited this part of town, so let me tell you — it is wonderful. After retiring from the Air Force, my family and I moved to the South Valley because we wanted to live near the bosque and have space to grow a large garden and raise animals. We liked that we would be a bike ride away from the Valle de Oro National Wildlife Refuge in the Mountain View neighborhood. We joined a cohesive community with pride in traditional culture.

East of the river, we also found a concentration of toxic, hazardous industry. Once primarily farm land, much of the area was zoned in the mid-1970s for heavy industry, ignoring the homes and community that existed there. Soon, the shift from a cohesive agricultural area to heavy industry began — scrap metal and auto recyclers, Albuquerque’s waste-treatment plant, large groupings of above-ground petroleum storage



The site of the proposed Hot Mix Asphalt plant in South Valley, Albuquerque, with homes and Valle de Oro wildlife refuge nearby.

Photo by Diane Reese

tanks and businesses that left two Superfund sites. This was a classic example of environmental injustice — a low-income community, overwhelmingly people of color, receiving a disproportionate share of polluting industry.

In October, the City of Albuquerque’s Environmental Health Department granted a permit for a Hot Mix Asphalt batch plant. The plant would be built at the south end of the Mountain View neighborhood, just across the tracks from homes and farms and directly across I-25 from Isleta Pueblo. It would further

pollute the air for Mountain View, the Refuge, and the Pueblo. Asphalt plants are known to produce air pollutants, including arsenic, benzene, formaldehyde, and cadmium, that may cause cancer, damage to the central nervous system and liver, respiratory problems and skin irritation.

The permit was granted to New Mexico Terminal Services, which has a temporary special-use permit for, but is not currently operating, a railway transloading facility. If approved, the plant will be built at the transloading site —

land that is zoned for A-1 “Agricultural Use Only.” The asphalt plant would require a zoning change to M-2, heavy industrial.

An appeal to revoke the permit has been filed by the Mountain View Coalition, which includes the Mountain View Neighborhood Association, Mountain View Community Action, and Friends of Valle de Oro National Wildlife Refuge. The coalition’s mission is to “advocate for the health and safety of both people and wildlife in the Mountain View Neighborhood.” The Central Group Executive Committee voted to support this coalition in its opposition to the asphalt plant.

Go to bit.ly/stoptheasphaltassault to read the community petition to stop the permit. Please use your voice to support the people of Mountain View. By signing the petition, you will be kept informed on hearings with the Albuquerque-Bernalillo County Air Quality Control Board. Next one is 5:30 p.m. July 14. Let’s make sure the Board knows we care!

Activists gathered in June to urge the City of Albuquerque to reinstate its ban on single-use plastic bags now that evidence has shown that reusable bags are not contributing to COVID-19 spread.

Photo by Carol Chamberland



Call to Artists: Juried Recycled Art Exhibit

The Rio Grande Chapter Art Exhibits is organizing an online Recycled Art Exhibit, opening Sept. 15 and continuing through Nov. 15.

Please contact Heather Kline at: heather9357@yahoo.com for specifications, eligibility, awards, judging and other details.

Submissions are being accepted now, with a Sept. 1 deadline.

Central New Mexico Group contacts

- Chair: Diane Reese, DianeAbqNM@gmail.com, 505-507-6416
- Vice Chair: Ray Shortridge, rshortridge@gmail.com
- Treasurer: David Ther, grelbik@gmail.com
- Secretary: Heather Kline, heatherjkline78@gmail.com, 505.577.2798
- Outings: Terry Owen, teowen@comcast.net, 505-301-4349
- Zero Waste: Carol Chamberland, pictografix@comcast.net
- Conservation chair: David Bouquin, dbouquin5@gmail.com
- Peter Kelling, cloudsandwater@juno.com
- Fred Houdek, fhoudek@gmail.com, 630.809.4234
- Other Responsibilities**
- Political/Bosque: Richard Barish, richardbarish@gmail.com
- Art showings: Peter Kelling
- Volunteer coordinators: Keely Scheffler, kscheffler99@unm.edu, Patty Duncan, pgnm@comcast.com
- Wildlife: Open
- Military Outings: Terry Owen

Where is “away” for plastic?

By Carol Chamberland
Central NM Zero Waste

Recently I attended a rally to reinstate Albuquerque’s ban on single-use plastic bags.

When I was the age of the Global Warming Express kids who were at the rally, plastic bags didn’t exist. Single-use wasn’t a thing. We got our groceries in paper bags, and waxed paper kept food fresh. Produce wasn’t shrink-wrapped. Milk and Coca-Cola came in glass bottles that were returned to the factory for sterilizing and reuse. If I’d had to worry about pollution, I probably wouldn’t have taken the mic at a rally. I was shy back then. I should mention that I’m not a hundred years old.

The first plastic bag was invented in 1965, but they didn’t become popularly accepted as paper bag replacements until 1982. Hey, they were cheaper, and they had handles! It wasn’t until the 1990s that paper bags acquired handles, but you know how well those work, don’t you? By 1999 plastic bags were ubiquitous.

Big Oil and Big Chem love this trend. If revenues from gasoline sales decline, they can keep on drilling. Nowadays we produce 1 trillion plastic bags a year. They’re so easy

and cheap — just throw it away once you get home.

But where is away, exactly? In our wind-prone habitat, plastic bags often go airborne. We find them bobbing downstream like bogus jellyfish in the Rio Grande, quietly lurking in a remote canyon crevice, or devolving into mutant mulch under a shrub in the backyard. Even children know this is a problem.

In 2014, California became the first state to ban single-use plastic bags. Since then, Hawaii and New York have followed suit. In 2018, Trader Joe’s replaced their plastic bags with compostable versions. Here in New Mexico, legislators in Santa Fe, Albuquerque, and Bernalillo County passed bans of varying stringency.

Then came COVID-19. It was thought that the virus could linger on our reusable bags, so plastic-bag bans were suspended. Now, with vaccinations and scientific evidence mounting, the ordinances are gradually being reinstated. Santa Fe took this step in February, and Bernalillo County will do so on July 1, but Albuquerque is waiting until August. The Global Warming Express kids and I want to know: Why the delay? I will close with

the wise words of GWE activist Emily, a poet who spoke at the rally:

“Hello, my name is Emily. I am 12 years old, and I am worried about the amount of plastic bags around our city. Now that we’re bringing the ban back, we should make sure that we aren’t just using thicker plastic bags, because that is not going to change anything. Here is a poem that I wrote about our situation with the plastic bag ban.”

*Plastic bags were almost gone,
We were almost there.
But then Covid came along
and caught us unawares.*

*Cloth and paper got replaced
by something less renewable,
sending us back to where we were
before we had something more suitable.*

*But now since Covid’s packing out,
and can’t be passed by touch,
Let’s bring back our plastic ban.
It wouldn’t cost too much.*

*If this ban comes back to stores,
Albuquerque will be one to brag
that we care more about the planet
than a silly plastic bag.*

Safe passages for Northern NM wildlife

By Teresa Seamster, Northern Group Conservation Chair

Wildlife big and small, fleet and slow moving, now have a safe passage under the busy highway stretching from Bernalillo to Bloomfield.

Located south of the town of Cuba, the crossing area was designated as one of the 10 worst wildlife-vehicle collisions hotspots in the state. The new large, open underpass now connects high-quality habitat on both sides of US Highway 550 for mule deer, elk, pronghorn antelope, mountain lion, bear, small mammals and reptiles.

In 2019, New Mexico passed The Wildlife Corridors Act and took a significant step forward to protect age-old wildlife corridors and key



Mark Watson/N.M. Game and Fish

Juvenile bighorn sheep on a highway near Questa.

habitats by providing linkages between areas “used routinely by wildlife to travel through their habitat and include corridors used by migrating wildlife.”

The ensuing Wildlife Corridors Action Plan was developed jointly by the New Mexico Department of Game

and Fish, the New Mexico Department of Transportation and a research team led by the consulting firm Daniel B. Stephens & Associates of Albuquerque. Public participation was carried out through five meetings early in 2020 that brought individuals, tribal, state and federal agencies, county officials, wildlife organizations, landowners and regional planners together to examine maps, listen to alternatives and collect information on all the proposed project areas.

The Action Plan used modeling and vehicle accident data involving wildlife to identify areas of good habitat and migration routes that were bisected by roads. The areas were prioritized, with the 5th-ranked US 550 Cuba project receiving funding for fencing and the culvert due to concern over high-speed crashes and high number of crashes

per mile over a 10-year period (12-13) involving wildlife.

A more northern segment of US 550 from Aztec to the Colorado border is another dangerous area for wildlife that cross the highway to access good riparian habitat and water in the Animas River. A long section of over 30 miles will need to be assessed to decide the best ways to direct wildlife and provide connectivity while minimizing the risk of wildlife-vehicle collisions.

Public comments are still being solicited and can be submitted to wildlife.corridors@state.nm.us or via the website: www.wildlife.state.nm.us/home/public-comment/.

There will be a quantitative scoring process used to include the public input and projects will be re-evaluated using this public input.

The Harold Runnels Building is one of many in Santa Fe that feature new solar panels and/or EV chargers.

Photo by Ken Hughes



Solar, Santa Fe-style

Ken Hughes
Chapter and Northern NM Group Executive Committee

If you’ve been all Rip Van Winkle-like during the Covid daze and haven’t been to Santa Fe lately, or even if you live here but haven’t physically gone to work, you’re in for some changes in the form of solar installations, electric-car chargers and streetlight retrofits. These come courtesy of investments by the State’s General Service Division, along with the City and County of Santa Fe.

With the resumption of Railrunner service, one can get off at the South Capitol station to be greeted by massive solar arrays in parking lots on both sides of the tracks. They will provide a salient portion of the electricity for state office buildings that have also been retrofitted with significant energy-efficiency measures during the Covid months when state workers were scarce in offices. Nineteen of 30 State office buildings in Santa Fe are going solar, with all but 3 completed, and those will feature huge parking lot arrays.

Santa Fe County’s 18 facilities equipped with solar panels produce 1.6 MW of power. Fire stations,

courts, solid-waste dropoff centers, community centers, a water-treatment plant; oh my. Yearout Energy Services is contracted by the county to perform \$2 million worth of energy-efficiency measures at 13 facilities. And the county’s greenhouse-gas inventory process will look at 20 more facilities to add to the list in the next year.

The City of Santa Fe is putting solar on 14 buildings deemed suitable for solar and is converting more than 3,000 streetlights from metal halide fixtures to LED bulbs, with shields to direct light to where it’s desired and not up in the sky or down on neighboring lawns. This will annually reduce water use by 2 million gallons and electricity use by 9 million kilowatt hours and eliminate 7,000 metric tons of CO2. These solar and efficiency improvements are paid for by cutting annual utility bills by \$1.3 million. The LED streetlight conversion portion of the project was not without controversy, but Sierra Club members and others gave input and successfully advocated for Dark Skies protections.

Let’s say you’ve driven your electric car into Santa Fe and are looking for an EV charging

station. Pre-Covid, you may have had to scramble to find one; now there are more than 65 stations scattered throughout the city. Fast chargers are located at strategic venues, such as three across the street from the State Capitol. Free parking and an 80% charge in a half-hour while you buttonhole your favorite green legislator: What’s not to like? Near the Plaza, the city and county have installed EV chargers in their parking garages. Next time you want to drop off your ballot, one of many sensible ways to vote encouraged in the Land of Enchantment, you can also get a few miles recharged on your electric car.

Look in the next few months for even more sustainable projects coming to the City Different:

- Locating electric vehicles and EV chargers at public housing projects;

- Creating a green bank/fund;

- Piloting the Solarize Santa Fe project to help those with low credit scores become eligible to go solar, starting with public-school teachers. For the Solarize project, the Sierra Club is partnering with the city to promote participation and cover the costs of a drawing for a free solar array.

Cultural burning practices for better forest health

By Teresa Seamster

The annual burning of selected species of trees for enhanced growth, seed production and safety from wildfire by indigenous cultures is being carefully examined by forest and watershed groups for its success in maintaining healthy forest ecology over hundreds of years.

For decades, cultural burning was prohibited by federal land agencies, and severe punishments, including arrest or being shot at, were the price for attempting to conduct the specifically timed forest

burns so vital to American Indian forest management in the 19th and 20th centuries.

The benefits of traditional burns in reducing the risk of unplanned and uncontrolled wildfire, and revitalizing the cycle of forest cleansing, reseeded and nutrient release that naturally occurs with regular low-intensity fire, are being examined in the Taos Speaker Series. Contact sallie.hoefer@tnc.org to get a lecture recording or read more at www.nature.org/en-us/newsroom/new-mexico-revitalizing-cultural-burning-practices/.

Ojo Encino air-monitor data

As part of the Tri-Chapter health-impact assessment of oil and gas emissions, Purple Air monitors at the Ojo Encino Chapter House provide real-time information on particulate matter and other emissions and weather at : <https://rb.gy/tsmaeu>. Additional monitoring at Counselor and Torreon Chapters is in process.

Northern NM Group contacts

Office: 1807 2nd St #45, Santa Fe, NM 87505, (505) 983-2703

Executive Committee

Chair, water issues: John Buchser, (505) 820-0201, jbuchser@comcast.net
Secretary: Shannon Romeling, (575) 758-3874, sromeling73@gmail.com
Alice Cox, (505) 780-5122, antialice@cybermesa.com
Carlos Trujillo, carlosftrujillo@gmail.com
Joe Wells, joe.wells@sbcglobal.net
Chris Calvert, chriscalvert82@gmail.com
Ken Hughes, (505) 474-0550, b1family@icloud.com
Susan Martin, (505) 988-5206, smartin317@gmail.com
Norman Norvelle, norvelhome@msn.com

Other responsibilities:

Conservation chair: Teresa Seamster, ctc.seamster@gmail.com, 505-468-8964
Office: Jerry Knapczyk, jknapczyk@yahoo.com
Outings: Alan Shapiro, (505) 424-9242, nm5s@yahoo.com
Book Distributor: Janet Peacock, (505) 988-8929



The authors are members of the Los Alamos High School Eco Club, above.

Things to focus on while minimizing

By Olivia Bell and Addy Witt
Los Alamos High School Eco Club

Minimalism

Living intentionally is the ultimate goal of minimalism. Every item — clothes, kitchenware, food, furniture — should have a purpose. Possessions that don't bring meaning or purpose cause unneeded clutter. Next time you go through your closet, kitchen, or any area in your house, make sure each item is actually useful to you. Slowly, item by item, your house will become more organized, minimal, and intentional. Minimalism doesn't have to mean owning only 50 items; it just means that everything you own brings meaning to your life.

Recycling

While disposing of unneeded items, consider the recyclability of your waste. For things that can't be upcycled and used again, check recycling services such as Terracycle. Search an item on the Terracycle website to find the various collection programs near your location. Waste from old pens to granola bar wrappers can be shipped to Terracycle, where they find creative solutions for single-use plastics. However, consider the cost of shipping items in terms of carbon emissions and try to accumulate a large amount before considering the Terracycle

route. Also, of course, refrain from buying any more single-use plastics after disposal or upcycling. If you are unsure whether an item should be thrown away or recycled through the county trash/recycling program, check the County's Recycle Coach (losalamosnm.us) or app to find out what goes where.

Donating

If items are still usable, donate. Nonperishable foods can go to collection bins at the Aquatic Center, Senior Centers, and little food pantries at churches. Also consider dropping clean, usable items off at a thrift shop. But don't! dump your trash off at any donation center! "Wishcycling" is not recycling. The items must still have value and life. Also, there are online groups where you can post items to be picked up by other community members, including the Buy Nothing Los Alamos Facebook group and Los Alamos Freecycle (freecycle.org/town/LosAlamosNM/).

Buying in bulk

Recycling is not as sustainable as many of us believe, especially plastic recycling. Out of all the single-use plastics tossed into the recycle bin, only 9 percent is ever recycled because of the difficulty and expense of the process. Recycling plastic also causes air pollution, with toxins released when plastic is melted.

For more info on plastic recycling, read the very thorough NPR article, "How Big Oil Misled The Public Into Believing Plastic Would Be Recycled."

So how do we solve this unsustainable problem of nonrecyclable plastic? For now (until LANL creates an entirely biodegradable plastic alternative through the BOTTLE Project — see www.lanl.gov), our best option is to buy as few single-use plastics as possible. Aluminum recycling is still sustainable, so consider buying drinks in cans rather than plastic bottles. Glass is heavy and creates carbon emissions when shipped for recycling, so try to repurpose glass bottles and jars before tossing them in the recycling bin. Use your glass jars while shopping in the bulk section of our Co-op or any other store with bulk items. Simply weigh your empty jar to get a tare weight with the Co-op's new weighing machine in the bulk section, and fill your jar with any of the bulk items, like flour, granola, beans, rice, nuts... As you clean and eliminate unwanted items in the kitchen, reuse your jars to divide and store bulk items.

Three books on soil and climate By Daisy Swadesh

We know the Sierra Club's roots were in the efforts to preserve the incomparable beauties of nature. which became our National Parks.

Pajarito Group contacts

riograndesierraclub.org/pajarito

Executive Committee

Jody Benson, echidanaejb@gmail.com, 505/662-4782
Howard Barnum, hnbarnum@aol.com
Cheryl Bell, bellrancho@gmail.com, 505/672-9655
Iris Chung, itlchung@hotmail.com
Michael DiRosa, mddbbm@gmail.com
Nona Girardi, nonamg@aol.com
Carene Larmat, carenelarmat@gmail.com, 505/920-5675
Treasurer: Mark Jones, 505/662-9443

Committee chairs

Conservation: Michael DiRosa
Endangered Species/Wildlife: Cheryl Bell, bellrancho@gmail.com, 505/672-9655.
Global Warming: Charles Keller, alfonso@cybermesa.com, 505/662-7915
Mining: David Torney, dtorney@valornet.com, 575/829-3433
Zero Waste, School Liaison: Jody Benson
Open Spaces, Caldera Issues: Howard Barnum, hnbarnun@aol.com
Water Issues: Barbara Calef, bfcalef@yahoo.com, 505/662-3825
Mailing Address: 520 Navajo Road, Los Alamos, NM, 87544

We started by saving the grandeur of our National Park landscapes, but now, with climate change threatening all life, we also must consider the minuscule microorganisms of the soil. In regenerating the land's ecosystems, the soil becomes what we literally live on. Healthy soil stores carbon as well as trees do, and brings back water cycles. All living systems function as ecosystems do, and restoring the health of our grasslands and agricultural lands can help reverse climate change. Let's get dirty. Three books on the topic:
The Soil Will Save Us by Kristin Ohlson: kristinohlson.com/books/soil-will-save-us
Cows Save the Planet by Judith Schwartz: chelseagreen.com/product/cows-save-the-planet/
Water in Plain Sight, Hope for a Thirsty World by J. Schwartz: judithd-schwartz.com/water-in-plain-sight



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Four Corners outings back in action

By Hart Pierce
Four Corners outings leader

Life in San Juan County and the Four Corners is awakening from our long sleep, and folks are heading for the outdoors in droves. Mountain and Red Rock Country campsites are at a premium as outdoors enthusiasts flock to the Southwest to renew their spirits after a year and a half of restrictions.

We are leading several outings in July, August and September (see Page 12). Please invite all who can participate to do so.

San Juan County, McKinley County, as well as Montezuma, La Plata and Archuleta counties in Southwestern Colorado are relatively COVID-free and offer a wide variety of outdoor experiences. Outings will be scheduled for wildflower hikes in the mountain passes north of Durango, Colo., and south of Silverton, Colo., for mid-July.

Day hikes will be scheduled for San Pedro Parks Wilderness in the Jemez Mountains northeast of Cuba and the Valle Grande in August and September.

As the Four Corners weather cools, outings will be scheduled



Jerry and Pat Donoho/flickr.com/photos/donahos/9357327909/

An exciting development in the Four Corners is the expansion of Animas River access for canoers, kayakers, paddleboarders and rafters.

for Chaco Canyon and the Ah-Shi-Sle-Pah Wilderness, Mesa Verde, Sand Canyon, Cedar Mesa (Bears Ears), Canyon de Chelly, and other venues.

When the aspens and oaks begin to turn, we will head for the mountains again to take in the autumn beauty. Outings activities will range from casual hikes to observe flora and fauna to moderately difficult hiking and biking. Some will require camping or long drives, and details will be described in the outings descriptions on the

Rio Grande Chapter website: riograndesierraclub.org/ outings. We hope you'll join us!

Another exciting development in the Four Corners is the expansion of Animas River access for canoers, kayakers, paddleboarders and rafters. A planned access point is to be opened this summer/fall in Cedar Hill, NM, 10 miles north of Aztec, NM. The exact date is to be determined. Thanks to the efforts of the San Juan Citizens Alliance and other advocates, rights for through passage on the Animas

has been secured.

In order to maintain these rights, users must be very careful to respect private property and the riparian areas generally. Already there is an appeal by private landowners to repeal the 1945 Red River Valley precedent by which the New Mexico Supreme Court provided access rights to waterways for fisherman and other recreationists. Sen. Martin Heinrich has advocated for those rights in a recent *Santa Fe New Mexican* op-ed urging repeal of the New Mexico

'Day Hikes' help

Work is underway on the Northern NM Group's 9th edition of *Day Hikes in the Santa Fe Area*. Aku Oppenheimer is again heading up the effort. There are plenty of opportunities to contribute as we update hike listings, proofread and do all the essential steps to getting this edition to the publisher. Volunteers have started hiking each listing, checking accuracy and details. Help with this is needed also. If you'd like to help, contact Aku at akusantafe@gmail.com.

Department of Game and Fish decision in 2017 that would give property owners the right to bar all passage through their property on public waters (see article below), and we must all be vigilant and assertive in preserving the rights for public access to our waterways.

Contact the Game Commission (see blow) as well as your state senators and representatives to protect our rights to access New Mexico waterways.

Rio Chama, Pecos focus of privatization scheme

By Steve Harris
NM Paddlers Coalition

Fishermen and river-running enthusiasts in New Mexico are the targets of a stealthy and well-funded campaign to bar recreational access to segments of the Rio Chama and Pecos Rivers, among others, where they cross private land.

The principal battleground is the New Mexico Department of Game and Fish, where five wealthy private landowners have pending applications for "certificates of non-navigability." These certificates empower them to outlaw recreational entry to private property via the rivers. The Game Commission has postponed its decision on the new round of non-navigable applications to its regular meeting on Aug. 12.

Please write the Game Commission at NonNav.Comments@state.nm.us requesting that it deny the five applications at the Aug. 12 hearing. Per the flawed rule, public comments must be written — no oral comments allowed — and submitted by 5 p.m. July 29.

The landowner applicants have rallied under a banner styled the "New Mexico Habitat Conservation Initiative," which, in 2015, brought legislation that sought to empower the Commission to declare portions of the state's streams to be "non-navigable," subjecting anglers and others to prosecution for trespass. The New Mexico Legislature declined to grant the Game Commission the authority the group of landowners sought.

Attorney Marco Gonzales is the public face of HCI and the lobbyist who presumably authored both the mostly

failed SB 226 and Game and Fish's over-reaching rule (DGF staff maintains that it had no role in crafting it). Gonzales steered SB 226 to its much-amended conclusion in 2015. He may have written the rule, which contains exact language removed from the law. His clients privatization certificates were issue Dec. 31, 2018, the last day of Governor Martinez's administration. He represents the five current applicants for stream privatization. And he made more than \$100,000 in campaign donations to candidates for high office during the 2018 election cycle.

The privatization rule was adopted in 2017 by a previous Game Commission, under then-Chair Paul Kienzle. Its language makes approving landowner's applications almost a foregone conclusion. If an application is correct in form, it will be accepted by the Game and Fish director and rubber-stamped by the commission. The rule defies due process, requiring speedy action while permitting no testimony from parties who may, with evidence, oppose an application (e.g. the state's many anglers and river-runners). Most egregiously, it allows applicants to appeal unfavorable decisions to state district court, while denying such a privilege to opponents.

After the 2018 election, the Game Commission decided to revisit the HCI scheme. Encouraged by no less than three attorneys generals' opinions citing the public nature of the water flowing in New Mexico's rivers and streams, the Game Commission, at its November 2019 meeting, decided to extend a moratorium on new applications and

reopen the rule, with an eye to repeal or replacement. This move might have brought the commission into compliance with Article XVI — the public ownership of water provision — of the state Constitution and with case law affirming a right of public access.

At the end of 2019, Gov. Michelle Lujan Grisham declined to re-appoint Game Commission Chair Joanna Prukop, citing "differences of opinion." Prukop has said her removal was a result of the commission's reconsideration of the river-access rule (Prukop's *Santa Fe New Mexican* op-ed is linked at riograndesierraclub.org/river-access).

In March 2020, counsel for three New Mexico recreation groups (the Adobe Whitewater Club, Backcountry Hunters and Anglers, NM Wildlife Federation) petitioned the state Supreme Court for a writ of mandamus, seeking clarification of whether the stream privatization rule is constitutional. US Sens. Heinrich and Udall and NM Wild filed amicus briefs in support. We are still awaiting a decision.

HCI, however, seems in no mood to wait. Last year, according to a source, Gonzales threatened to unleash a "tsunami of litigation" against the Game Commission if it did not approve the already-submitted applications. And he has begun to deliver: in March, federal magistrate Steve Yarborough, ruling on an HCI legal action, issued a declaratory judgement ordering the department to hear the pending applications. The General Services Department's Risk Management Division declined to issue a notice of appeal, though

doing so might have spared the Game Commission a great deal of time and potential embarrassment, should the rule be revoked.

This is where matters stand today. The Game Commission probably shouldn't possess the power to decide who will enjoy the Rio Chama and Pecos River or other New Mexico streams. But thanks to this rule, they do. As the stream-access issue illustrates, money and influence are real, sharp tools in today's world of public policy-making.

At its beginning, the ostensible objective of the Habitat Conservation Initiative seemed to be to protect private fishing waters that landowners had created or restored at their own expense. Much of the public testimony at legislative hearings in 2015 decried an invasion of anglers on the Pecos River and the trash and other depredations they brought with them. Certainly, no one deserves to have their privacy so invaded.

It may simply be that, in the landowners' view, open access is a slippery slope to disastrous overuse of the public water and its finny residents. There is some logic behind this fear, though a civil discourse would have been the more prudent route to finding solutions to New Mexico's growing habitat, access and privacy problems. There's a darker possible motive as well, a desire of privileged newcomers to lock up swaths of New Mexico's most desirable little rivers for their own exclusive retreats.

For now, the responsible users aren't ready to surrender our right to boat or fish.

Outdoors

Sierra Club outings resume in July!

By Terry Owen
Chapter Outings chair

After a 16-month hiatus the Rio Grande Chapter will once again be offering hikes, walks and tours beginning July 5th. The Sierra Club National Outings office has given us the green-light to restart one of our most popular programs. Many of you have been hiking on your own or with small groups of friends to help you get through the pandemic, but now you'll be able to join us for fun and inspiring outings once again. Hiking has been at the heart of Sierra Club's programs since the club's founding in 1892 and has attracted tens of thousands of members over the ensuing years. In fact, the Rio Grande Chapter conducted nearly 70 outings that attracted more than 400 participants in 2019. These outings introduced many of you to nature and to Sierra Club's mission for the first time. To ensure your safety, outings leaders around the U.S. have been field testing protocols and those recommendations are being collected and refined while also incorporating CDC guidance. Here are some of the protocols we'll be following:

■ Day trips and local outings resumed July 5! This includes ICO and Military Outdoors outings.

■ Multi-day and outings with significant indoor components such as lodge or hut trips resumed at a reduced rate July 5 and will slowly reopen.

■ Masks will be recommended during day trips and local outings, but not required.

■ There is currently no proof of vaccination or Covid test requirement for participants when the activities are conducted outside and social distance can be maintained.

■ For a contactless experience we'll strongly encourage signup and participant waiver completion online in advance of every outing. A link will be provided for the sign-up location in the outings listings.

Outings will be posted on the Rio Grande Chapter website, riograndesierraclub.org/outings, on Meetup [meetup.com/Sierra-Club-Rio-Grande-Chapter/](https://www.meetup.com/Sierra-Club-Rio-Grande-Chapter/), and in the upcoming Sierran newsletter riograndesierraclub.org/the-sierran/. It's time to get back out there with us, safely, and we hope you'll join us.

Saturday July 24: Rocky Mountain Wildflower Walk. We'll take the Crater Lake Trail, 40 miles north of Durango, Colo., and 10 miles south of Silverton, Colo. This wildflower identification outing

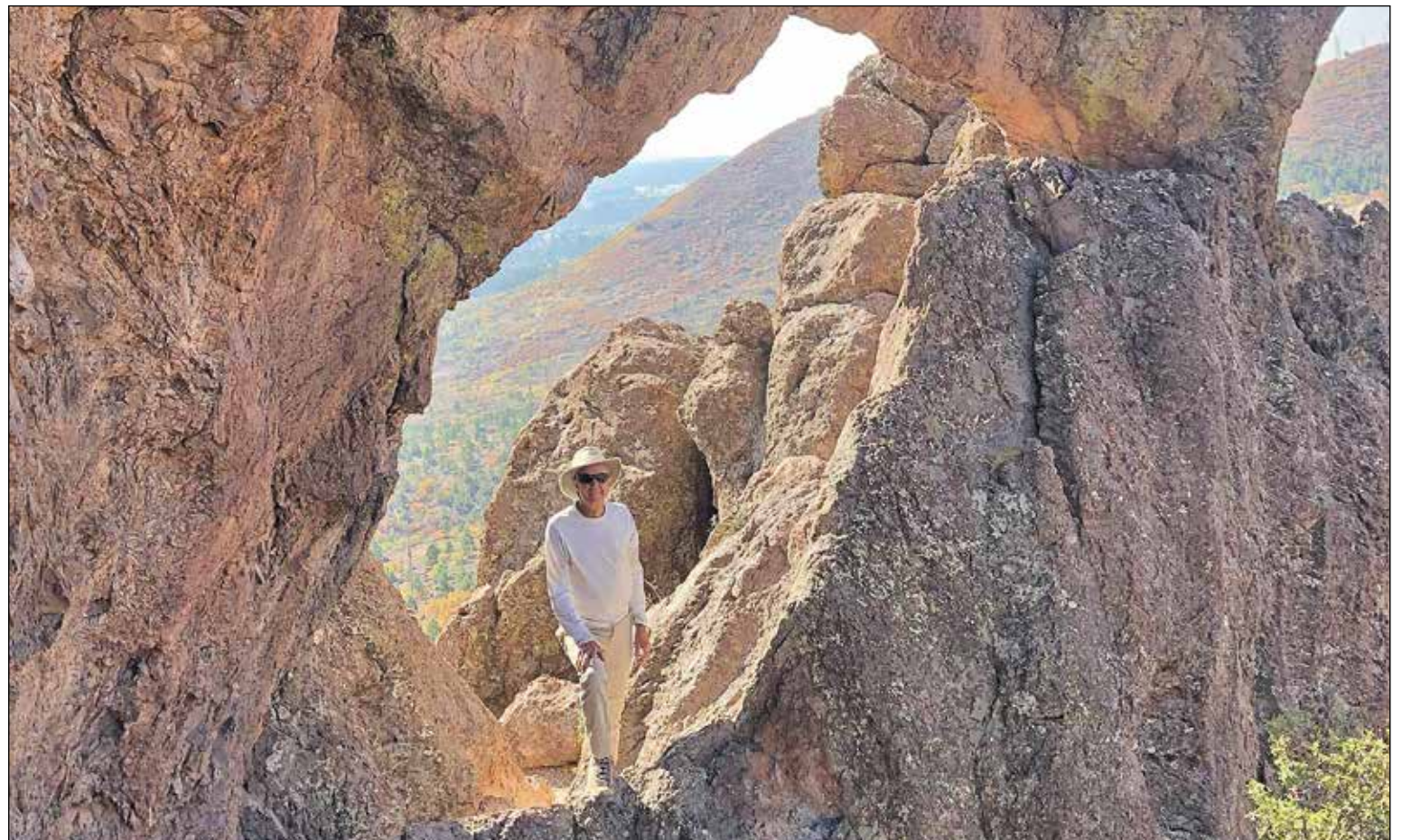


Photo by Alan Shapiro

Steve Rice, a recent addition to our outings team, looks through Los Alamos arch as he scouts hikes with Northern New Mexico Outings Chair Alan Shapiro. Our free, open-to-the-public hikes are back! See listings here for destinations and how to join.

will be led by Al Schneider, the Four Corners' premier authority on Rocky Mountain flora, and Hart Pierce, Rio Grande Chapter outings leader. Schneider has authored many guides and an app (Colorado Rocky Mountain Wildflowers) that are superior resources for seeking and identifying native mountain flora. Access his website, swcoloradowildflowers.com, for info. This outing will be 2-4 miles round trip beginning at an elevation of 10,700 feet. with an elevation gain of 500 feet. No dogs please. Participants 18 years of age and over. Appropriate Covid-19 precautions will be taken. Register by July 19. Leader will provide recommended gear and apparel list in advance. Contact the leader if you have questions.

Trip Leader: Hart Pierce, shpierce@q.com, 505-320-1055

Level: Moderate

Location: Silverton, CO

Sign up: riograndesierraclub.org/calendar

Saturday, Aug. 14: Sandia Crest Trail hike. If you've never hiked in the Sandias this is an excellent way to see what you've been missing. If you've spent a lot of time in the Sandias, this is another opportunity to enjoy this special place. This three-hour long outing is approximately 3 miles roundtrip with 250 feet of elevation gain. Meet at Sandia Crest parking lot at the upper terminus of NM536 at 8:45 a.m. We'll proceed along the crest trail with several stops to enjoy stunning views all the way to the continental divide. We'll cover tips for safely

Protocols for reopened hikes and events

The following COVID-19 protocols for Sierra Club Outings have been incorporated to help ensure the health and safety of our volunteers, participants and staff. These are subject to change based upon CDC and Sierra Club guidance. We thank you in advance for your patience and assistance.

To reduce contact, sign up for outings and complete the participant agreement at riograndesierraclub.org/calendar/

If you've signed up for an outing or event and begin to feel ill, please stay home and seek appropriate medical care.

There are potentially participants who are vaccinated and unvaccinated and it's each participant's choice to attend or not attend the outing with this knowledge.

No vaccine or test results are required and participants will not be required to disclose their vaccination or test status.

Participants are welcome to wear masks if it makes them comfortable. Masks will be required if there's an indoor component to the outing, while they are indoors. Masks are also required at all times for ICO outings participants, and in some other cases where minor children are participating.

If you should begin to feel ill or experience symptoms associated with COVID-19, during or after a Sierra Club outing, contact the Outings Leader so that they can notify other participants and club leadership for contact-tracing purposes.

hiking in the mountains, view wildflowers, and take a break at the upper tram station. Sponsored by the Military Outdoors Program and everyone is welcome. Appropriate for children over 12 with parent or legal guardian. Appropriate Covid-19 precautions will be taken. No dogs, please. Register at the link below by Aug. 12. Contact the leader if you have questions.

Trip Leader: Terry Owen, 505-301-4349, teowen@comcast.net

Level: Easy-Moderate

Location: Albuquerque, off NM536 (Sandia Crest Scenic Byway)

Sign up: riograndesierraclub.org/calendar

Saturday, Aug. 28: San Pedro Parks Wilderness hike

We will hike the San Pedro Parks Wilderness as it eases into autumn. San Pedro Parks Wilderness is in the Jemez Mountains northeast of Cuba, NM. Meet at 9 a.m. This out-and-back hike will begin at the Las Vacas Trailhead near San Gregorio Lake and proceed to its intersection with the Anastacio Trail and return. The trail will take us through gently rolling terrain surrounded by Ponderosa, oak and aspen, with many "ritos" and wetlands, which host a variety of moun-

tain flora and fauna. The average elevation of San Pedro Parks is 10,000 feet. The 8-mile hike will take about 4 hours. No dogs please. Participants 18 years of age and over. Appropriate Covid-19 precautions will be taken. Register at the link provided by Aug. 23. Leader will provide recommended gear and apparel list in advance. Contact the listed leader if you have questions.

Trip Leader: Hart Pierce, shpierce@q.com, 505-320-1055

Level: Moderate

Location: Coyote, NM

Sign up: riograndesierraclub.org/calendar

Friday, Sept. 17: Tree Spring Trail Hike. This hike is a 3.7-mile out-and-back trail and 944 feet of elevation gain. A great hike with shade on most of the trail and a scenic view at the top—great for a food break so bring a lunch or snack. Please still be prepared with a hat and plenty of water! This is a gentle incline, smooth packed trail and easy rocky areas. We will meet at the Tree Springs Trailhead Parking lot at 8 a.m. Appropriate Covid-19 precautions will be taken. Register at the link provided by Sept. 15. Contact the trip leader if you have questions.

Trip Leaders: Ken and Diane Reese, DianeAbqNM@gmail.com, 505-507-6416; reesekw@aol.com, 505-966-6676

Level: Moderate

Location: Albuquerque, off NM536 (Sandia Crest Scenic Byway).

Sign up: riograndesierraclub.org/calendar