

AMIGOS BRAVOS FRIENDS OF THE WILD RIVERS

BIENNIAL REPORT 2008-2009



*Restoring Waters,
Sustaining Communities*

LETTER FROM BOARD PRESIDENT & EXECUTIVE DIRECTOR

Dear Friends of the Wild Rivers,

Welcome to the Amigos Bravos on-line Biennial Report! In keeping with the demands of the 21st Century, Amigos Bravos is shifting toward paperless communications whenever possible. We thank you for taking the time to peruse our website as a way of staying informed about the accomplishments your support has made possible over the past two years as well as current and future challenges to the Río Grande watershed and New Mexico's rivers.

Amigos accomplished several breakthroughs during 2008-2009. In February of 2008, we filed a lawsuit and regulatory appeal to address Los Alamos National Laboratory's toxic stormwater discharges. In June 2008, we launched an ambitious new strategic plan that incorporates the knowledge and skills we have accumulated over 20 years of standing up for environmental and social justice while protecting New Mexico's most precious – and fought over – natural resource: water.

In 2009, we brought a nationally significant legal case to a victorious close when the national Environmental Protection Agency was mandated to require all producers and processors of hazardous waste to secure financial assurance for clean up of discharges.

At the same time, Amigos Bravos began first steps to address the impacts of climate change on New Mexico's water resources by demanding that the courts require regulatory agencies to take into account carbon emissions when granting permits for oil and gas extraction. As of this writing, we are also in the process of petitioning the New Mexico Water Quality Control Commission to take climate change into consideration when setting water quality standards.

Thanks to funding from the US Fish and Wildlife Service, Amigos Bravos successfully initiated and is overseeing a water quality monitoring program conducted by students from South Valley high schools in Albuquerque. In 2009, students were able to quantify the existence of new pollutants, including pharmaceuticals and personal care products, in South Valley ditches. Our persistent reporting on this issue led the Albuquerque Bernalillo County Water Utility Authority to announce a new public awareness program regarding pharmaceuticals. The Authority is now beginning quarterly monitoring of the river, treated drinking water, and its wastewater discharge.

In another important restoration victory, river otters are back in New Mexico as a result of eight years of work and a vision for their return that was conceived between the Amigos Bravos Executive Director Brian Shields, the Assistant to

the Director Sawnie Morris, and Board member Jon Klingel on a lazy weekend morning while floating the river in 2000.

The current economic downturn has presented a special challenge to non-profit environmental and social justice advocacy organizations, and resulted in a drastic cut to our budget. Regardless, Amigos Bravos has maintained strong capacity to further each of its major goals and commitments thanks to three important factors.

First: the tremendous generosity and faith in our work expressed by you, our membership, through your donations. We are particularly grateful to the family that provided a significant matching grant in the spring of 2009, and to all of you who followed suit and helped us meet the match.

Second: wise financial planning in the past. Starting in the early 1990's, Amigos Bravos assiduously set aside funds each year in a cash reserve account for protection against hard times. Those funds, though inadequate to keep us at previous levels of staffing, are nevertheless helping now to keep us fully engaged in protecting New Mexico's rivers and the communities that depend on them.

Third: the fierce commitment of our board and staff to New Mexico's rivers, the Río Grande watershed, and the people and wildlife dependent on them.

We look towards 2010, fully committed, enthused, and aware of the continuing challenges -- both fiscal and political -- with a confidence built from 20 years of fighting for New Mexico's wild rivers and the communities that depend on them.

For the Río!



*Peggy Nelson
President*



*Brian Shields
Executive Director*

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*Brian Shields, Executive Director, with 2009 Board of Directors
Standing l. to r.: Mary Humphrey, Don Bustos, Michael Coca, Peggy Nelson, John Klingel
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THE RIVER TELLS A STORY – THE YEAR IN REVIEW



Williams Lake

THE RIVER TELLS A STORY – THE YEAR IN REVIEW

*I came where the river / Ran over stones; / My ears knew / An early joy.
And all the waters / Of all the streams / Sang in my veins / That summer day.*
-- Theodore Roethke, *The Waking*

The last two years have been especially challenging and gratifying as you will see from this report. Political and financial currents swirled around our rivers and water, in ways sometimes threatening, sometimes nourishing. We have often had to react to events and circumstances beyond riverbanks, beyond state lines, even beyond our imagination. At other times we were able to chart our course and realize a continued sense of community that sustains social and environmental justice, and gives us hope for the life of rivers.

On a joyous note: In 2008 ***Amigos Bravos celebrated its 20th Anniversary***. It was a time of much remembering and reflection and even wonder at the journey that has turned a small volunteer group into a nationally known and respected river conservation organization.

Just a few months earlier, in November 2007, we conducted a three-day ***strategic planning retreat*** to update our Strategic Plan and identify potential issues of concern. Staff, Board members, and community activists joined at the beautiful Ghost ranch in Abiquiu to learn from the past several years and chart our course for the next several to come. There was immediate consensus that pursuing our work to hold Los Alamos National Laboratory accountable for its toxic legacy – a project begun at the last strategic planning meeting in 2004 – should continue. We agreed to keep our long-term goals, and decided to apply three strategies across all projects in order to successfully achieve those goals: Each project will now incorporate Policy initiatives to address the issue at hand, opportunities for Civic Engagement and Action, and Community Capacity Building to provide individuals and communities with the tools to protect and restore the rivers of New Mexico. There was also broad agreement that with the growing crises of deregulation and climate change, we need to work in support of all waters and we need to engage all organizations working on waters – a vision of “conjunctive” organizing to parallel the supposed conjunctive management of waters in the state. This was a very energizing process that will inform our work over the next four years. For a copy of the current strategic plan go to: <http://www.amigosbravos.org/publications.php>

Beyond the enthusiastic and hopeful river eddy of our water community the horizon was bleak. Eight years of ***federal deregulation of the environment*** – and so much else – had led to a crisis in implementing the Clean Water Act.

Not only had the Supreme Court stripped protection for many waters of the United States – and up to 94% of stream miles in New Mexico – but regulators, the environmental community, and even many in industry no longer had any idea what was permissible and what would fall through the various rips and tears that have been made in the core fabric of the the Clean Water Act's language.

Some optimism was rekindled with the ***election of Barack Obama and Democratic control*** of the House and Senate, since it was Democrats who passed the Clean Water Act. And, indeed, there have been signs of positive change – indications that regulation is now seen as a necessary function of government to protect the environment and the public health, not something to be subverted for the benefit of special interests. However, hope that the Clean Water Restoration Act, 1872 Mining Act Reform, and other protective measures would quickly pass into law has given way to resignation that these will have to wait while the country deals with health reform.

While the environmental and environmental justice communities are struggling to carry out their work, State Legislators working for special interests – like mining and dairy – have for several years carried on a withering ***campaign to gut the capacity of the state and the non-profit community*** to protect the environment and the public health. This reached its lowest point to date in the 2009 Legislative session, when efforts were made to force so-called “ethics reform” on the non-profit community (at the same time the legislature refused to reform its own ethics) and unconstitutional Legislative micro-managing of Executive branch agencies.

Finally, two ***climate change*** reports came out in 2008 and 2009. The Intergovernmental Panel on Climate Change (IPCC) issued its latest predictions of the impact of climate change, including several regional forecasts. The models for the Southwest indicate that our region could likely enter a new climate paradigm in which drought conditions become the new base climate; we may have already entered that transition. A study by researchers at UNM and NMSU modeled various flow projections on some major tributaries of the Río Grande and then predicted the likely tremendous economic impact that climate change could have on the State – not including the social and cultural impacts that cannot be measured.

RESTORING WATERSHED HEALTH



Otter Release Day One Rainbow



Bosque Initiative

RESTORING WATERSHED HEALTH

Amigos Bravos' first strategic goal is to restore New Mexico's impaired rivers and streams to drinkable quality where possible and to contact quality everywhere else, to protect and restore key native species indicative of the health of our watersheds, and to ensure that the environmental and social/cultural health of our watersheds are connected

Strong and effective policies and regulations are essential for restoring New Mexico's watersheds. However, winning good laws and regulations also requires engaged citizens and strong, informed, local organizations with the technical knowledge to protect their local waters.

Throughout 2008 and 2009 we achieved a number of significant milestones towards making our vision real:

Policy Development and Implementation

- Provided oral arguments at the State Court of Appeals regarding our appeal of the Albuquerque Bernalillo County Water Utility Authority (WUA) San Juan-Chama Drinking Water Project permit. We are concerned that there are not stringent enough safeguards for the riparian Bosque (due to dewatering a 17 mile segment of river) and we want more stringent conservation requirements.
- Succeeded in having the Surface Water Quality Bureau change the 303d list (the State's list of waters not meeting standards) to reflect the impairment in the Rio Fernando and we successfully blocked attempts to downgrade standards in the Rio Pueblo de Taos. These changes will allow restoration work to move forward
- Reintroduced the first River Otters (after more than 55 years) into NM in the Rio Pueblo de Taos watershed. They have dispersed along the Rio Grande from north of Taos to Cochiti, and there may be pups!
- Raised awareness with the Obama administration and the Congressional Delegation about the Atomic Energy Act Clean Water Act Exemption, which prevents the EPA and state environmental agencies from regulating radionuclides – we will continue to push for a legislative fix for this
- Urged members of the NM Congressional Delegation to support the Clean Water Restoration Act, which would restore the protections that the CWA offered until the Supreme Court and the Bush administration severely narrowed its scope
- Began monitoring the drains and ditches of the Middle Río Grande. As a result, a surprising discovery was made: pharmaceuticals and personal care

products. Our public and media education on this issue led the Water Utility Authority to begin its own quarterly monitoring for pharmaceuticals in the river, as well as treated drinking water, and wastewater discharge

- Testified at the Environmental Improvement Board supporting the EIB's right to impose regulations on greenhouse gases in the State
- Submitted extensive comments on the Triennial Review of Surface Water Quality Standards and the proposed Hydrology Protocol. A major goal is to provide maximum protection for ephemeral waters
- Joined the New Mexico Environment Department's stakeholder group working to develop new rules for dairy facilities

Civic Engagement and Action

- Served as a state coordinator for passage of the Clean Water Restoration Act
- Provided technical assistance to local water groups so they could bring their water quality concerns to local and state agencies
- Worked closely with several local water and river organizations and Taos County on their comments and eventual testimony for New Mexico's Triennial Review of Water Quality Standards
- Coordinated community comments and public outreach surrounding the Travel Management Plan for the Carson National Forest

Building Community Capacity

- Provided organizational capacity-building assistance to local water groups
- Trained volunteer monitors for the River Otter release program
- As part of our water quality monitoring project in the Middle Río Grande, worked with two South Valley high schools – Río Grande HS and School on Wheels – involving over 500 students and their teachers in sampling, field tests, and data analysis

There is great restfulness in the sounds these small streams make, they are going down as fast as they can, but their sounds seem leisurely and idle, as if produced like gemstones with the greatest patience and care.

HOLDING POLLUTERS ACCOUNTABLE



0209 LANL Strategy Session



White Rock Canyon

HOLDING POLLUTERS ACCOUNTABLE

Amigos Bravos' second strategic goal is to hold polluters accountable. We demand that corporations honor their commitments and seek to conduct their activities under the highest environmental and public health standards. And we demand that our elected officials and regulator agencies carry out their public trust responsibilities to protect the environment and the public health.

Both regulators and the regulated community need to know what is permissible, but even more, polluters need to be held accountable to the public and agencies need to actually enforce the rules and regulations that are on the books. An investigation by the New York Times revealed that there were over 500,000 violations of the Clean Water Act between 1999 and 2009, but only 3% of the cases resulted in an enforcement action. Given that reality, citizen pressure and engagement is critical.

Our achievements for 2008 and 2009 in this area include:

Policy Development and Implementation

- Filed a Clean Water Act citizen complaint against Los Alamos National Laboratory (LANL) for persistent failure to deal with the lab's toxic legacy; entered into extensive court-mandated settlement talks to find areas of agreement
- Negotiated with the EPA regarding a new Individual Stormwater Permit for LANL, pushing for more stringent monitoring and compliance language and greater accountability. We and our allies had appealed the proposed stormwater discharge permit because it lacked these requirements
- Intervened with the State Water Quality Control Commission regarding Section 401 certification (a part of the Clean Water Act dealing with state regulation of federal facilities). We supported the State's right to impose regulations on LANL for its toxic legacy
- Testified before the Water Quality Control Commission in support of the state's closeout permit requirements for the Phelps Dodge (now Freeport-McMoran) Tyrone open-pit copper mine
- Commented in opposition to the Nuclear Regulatory Commission's proposed "Generic" Environmental Impact Statement for in situ leach (ISL) mining of uranium
- Participated in the Superfund process for Chevron Mining (formerly Molycorp) to implement tailings water treatment and mine water recycling to mitigate harm to the Red River
- Won a Clean Water Act oil and gas case that invalidates and sets aside an EPA rule exempting oil and gas activities from CWA stormwater pollution controls; EPA appealed and the court refused to rehear the case, upholding

the decision

- Won a CERCLA lawsuit charging the EPA with failing – for over 25 years – to carry out its mandate to require financial assurance from industries producing and handling hazardous materials
- Filed an appeal of BLM permits for the oil and gas industry, charging that they had failed to consider greenhouse gas emissions in their environmental assessment
- Intervened in a state case in which Peabody Coal is trying to weaken state water quality standards
- Submitted technical testimony regarding new Mining and Minerals Department (MMD) rules; we argued for "bad actor" provisions (no permits to companies currently in violation), baseline groundwater analysis if exploration activities would enter or cross an aquifer, financial assurance bonds for exploratory drilling, tighter definition of "minimal impact" operations, and more stringent and protective clean-up requirements
- Worked with the Environmental Alliance of New Mexico to prevent bad legislation from passing the State legislature.

Civic Engagement and Action

- Helped coordinate Communities for Clean Water, a group of community organizations working to hold LANL accountable (CCW is the core of the CWA litigation against LANL and the appeal of the EPA stormwater permit)
- Provided technical assistance to local water groups seeking to get cleanup of their waters

Building Community Capacity

- Developed a Citizen's Guide to identify and monitor activities for which federal agencies have said they have no jurisdiction to require permits; documenting impacts from these "Non-Jurisdictional" activities can help gain protection from unpermitted activities and help restore the Clean Water Act
- Worked as an allied organization for a coalition of uranium mining-impacted communities in the Grants area – the Multicultural Alliance for a Safe Environment; participated in MASE's strategic planning meeting
- Provided organizational capacity building assistance to local water groups

At night that lake burns like a torch. No one knows its bottom, no wisdom reaches such depths. A deer, hunted through the woods by packs of hounds, a stag with great horns, though driven through the forest from faraway places, prefers to die on those shores, refuses to save its life in that water.

— From *Beowulf* (translated by Burton Raffel)

BUILDING A RIVER PROTECTION MOVEMENT



2009 Youth Symposium, Albuquerque



2009 San Isidro Fiesta, Albuquerque

BUILDING A RIVER PROTECTION MOVEMENT

Our third strategic goal, “Building a River Protection Movement”, is essential for the achievement of Amigos Bravos’ mission and the sustainability of community efforts to restore and preserve local waters. Our ability to be an effective organization depends on local community-based organizations that can take responsibility for, and control over, decisions that affect their rivers and waters.

The laws and regulations that affect water quality are often complex. Knowing which agency has jurisdiction – or even whether any agency has jurisdiction – can also be difficult. On top of that, local river and water groups – many of which rely on volunteer effort – often can’t focus on building their organizational capacity at the same time they are fighting to protect their waters. Building technical and organizational capacity is a critical task.

In 2008 and 2009 our accomplishments in this area included:

Policy Development and Implementation

- Defended the independence of the non-profit community from attacks by some State Legislators, the Attorney General, and some members of the Albuquerque Charter Review Commission, all of whom sought to impose unconstitutional limitations on non-profits’ ability to raise funds and carry out public education

Civic Engagement and Action

- Provided technical assistance to local water groups seeking to participate in local, state, and federal regulatory processes

Building Community Capacity

- Provided organizational capacity building assistance to local water groups
- Incorporated environmental justice and water as leading issues in the Southwest Network of the Kellogg Foundation-funded Rural People Rural Policy initiative, a national program to develop policies for sustainable rural development
- Continued our long-standing practice of building coalitions and other collaborative processes in order to take on the important issues we face



*Producing Environmentalists,
Megan Anderson, Western Environmental Law Center, Rachel Conn, Amigos Bravos*

I remember gestures of infants / and they were gestures of giving me water.

-- Gabriela Mistral, *To Drink* (translated by Gunda Kaiser)

FINANCIAL REPORT AND SUPPORTERS



Twentieth Anniversary Celebration, Sawnie Morris, Mary Humphrey, Brian Shields

FINANCIAL REPORT

Fiscal Year 2008 & 2009 (October 1, 2007 – September 30, 2009)

Amigos Bravos ended this two-year fiscal period with net assets of \$126,595.

In FY2008, total revenues for Amigos Bravos increased by 46.75% over the previous year. The increase was due in part to a large one-time grant from the Lannan Foundatio for environmental restoration work at the Picuris Pueblo Mica Mine. In FY2009, total revenues for Amigos Bravos decreased by 32.34% over the previous year. The loss for the 2009 fiscal year was due to the economic crisis, which harmed the portfolios of individual and institutional donors and their ability to fund at previous levels. Seeking funds from new foundations simultaneously became much more problematic.

In response to these losses, Amigos Bravos implemented a number of cost-cutting measures. We are moving to electronic distribution, thus sharply reducing the need for paper products and publishing and printing outsourcing. We have also reduced travel except for cases in which it is covered by project-specific funds; we teleconference much more. We lost one very valuable staff member to attrition and closed our Albuquerque office. We also tapped into our Capital Reserve Fund, established for just this kind of emergency funding situation.

On the income side, we instituted a significant major donor campaign, which resulted in a number of new donors and increased giving from existing donors. We have also begun seeking more government-funded contracts, which we had tended to avoid in the past because they generally consume larger amounts of administrative time relative to actual project work. We are also addressing our long-term financial viability through rebuilding the Capital Reserve Fund and continuing to build the *Amigos Bravos Friends of the Wild Rivers* Endowment Fund and Planned Giving campaign, both housed at the New Mexico Community Foundation and the Taos Community Foundation.

FY2008

Foundations	742,326
Contributions	400
Memberships	69,306
Appeals	19,935
Events/Product Sales	29,002
Fiscal Agent Fees	11,433
Non-Operating Revenues	6,283
TOTAL REVENUE	878,685

Expenses

Programs	756,180
Fundraising	87,940
General & Administrative	42,066
TOTAL EXPENSES	886,186

Assets

Net Assets, end of year	153,490
Increase in Net Assets	(7,501)

FY2009

Foundations	408,687
Contributions	262
Memberships	113,937
Appeals	27,563
Events/Product Sales	27,355
Fiscal Agent/Coordinator Fees	13,915
Non-Operating Revenues	2,762
TOTAL REVENUE	594,481

Expenses

Programs	495,960
Fundraising	83,669
General & Administrative	41,747
TOTAL EXPENSES	621,376

Assets

Net Assets, end of year	126,595
Increase in Net Assets	(26,895)

YOUR TRUST AND SUPPORT

Amigos Bravos takes its commitment to work with communities seriously. In these troubled times, we deeply appreciate everyone who has contributed to support our efforts and sustain our organization, whether it was through a new or renewed membership, a family fund or foundation grant, a special contribution, or an in-kind donation. We accept these contributions as a sign that you share our vision and mission and believe that we represent a conscientious and effective effort to connect the environmental, social, cultural, and spiritual values that our rivers and waters sustain.

***There are many ways you can help financially support Amigos Bravos
(<http://shop.amigosbravos.org/index.html>)***

**Annual Memberships and General Donations
Project-Specific Donations
Capital Reserve Fund
Amigos Bravos Friends of the Wild Rivers Fund**

Organizations

Bernalillo County Environmental Health
Bureau of Land Management
Center for Civic Policy
Fieldstone Alliance, Inc.
New Mexico State 319 Grant
Noxious Weed Committee of Taos
Patagonia
River Network
Santa Fe Garden Club
Sierra Club Midwest Region

Foundations

Albuquerque Community Foundation
Kindle Project
W.K. Kellogg Foundation
Max & Anna Levinson Foundation
Lumpkin Family Foundation
McCune Charitable Foundation
Messenger of Healing Winds
New Cycle Foundation
New Land Foundation
New Mexico Community Foundation
 Communities for Clean Water
 New Mexicans for Sustainable
 Energy and Effective Stewardship
 New Mexico Mining Act Network
Norcross Wildlife Foundation
Panta Rhea Foundation
Public Welfare Foundation
Quail Roost Foundation
Turner Foundation

Donor Advised Funds

Sanford and Jane Brickner Fund of the
 Santa Fe Community Foundation
Cid's Food Market Fund of the Taos
 Community Foundation
Just Woke Up Fund of the Santa Fe
 Community Foundation
Second Anonymous Fund of the Santa
 Fe Community Foundation
Kappy Jo Wells Fund of the Stuart Mott
 Foundation

Government Grants

US Fish & Wildlife Service