

Sunday, February 07, 2010

## **New Mexico's Emissions Battle**

**By Michael Hartranft**

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Barring a court order stopping the process, a board appointed by Gov. Bill Richardson and chaired by an environmental lobbyist plans to take up a petition to dramatically reduce greenhouse gas emissions in New Mexico. To describe it as controversial — on several fronts — would be an understatement.

The petition by the Santa Fe-based advocacy group New Energy Economy asks the Environmental Improvement Board to roll back New Mexico's emissions to 25 percent below their 1990 levels by 2020 — far below anything being considered at the federal level and something critics say would devastate the state's economy.

NEE, which is funded through private donors and national organizations such as the Oppenheimer Brothers Foundation and Rockefeller Family Fund, says the cuts are needed because New Mexico, and the world, stand to suffer "catastrophic" economic, health and environmental consequences if greenhouse gas emissions aren't reduced.

The group says its goal is to expand New Mexico's renewable energy resources and spur investment in clean energy. Opponents say the proposed cuts would drive up energy costs, make the state less competitive and do virtually nothing to combat global warming.

Simmering below that debate are questions over whether the kind of sweeping change proposed should be up to duly elected legislators instead of an appointed board, and whether there is an unfair environmentalist tilt to the board. The board has already concluded it has the authority to proceed and has scheduled hearings.

Gregory Green is chairman of the seven-member EIB.

A self-described environmentalist, Green has a year-to-year contract as the New Mexico spokesman for the Pew Environment Group and is a paid lobbyist during the legislative session for the New Mexico Wildlife Federation, the New Mexico Audubon and the Coalition for Clean Affordable Energy. The Wildlife Federation, which initially entered an appearance in support of the NEE petition, has withdrawn from participating in the case.

Green's direct employers, the Audubon and Coalition for Clean Affordable Energy, are not involved in the case. However, two members of the coalition that employs Green, Center Advancing Sustainable Architecture and New Mexico Physicians for Social Responsibility, have joined the petition.

Green maintains he makes decisions based on the law, not his personal convictions. "I take my position very seriously and I know I follow the statutes and really focus on the issue, not any particular interest group," he said.

But, in the view of Marita Noon, the outspoken executive director of the 1,000-member Citizens Alliance for Responsible Energy, Green's background should disqualify him — and any others on the board with similar leanings.

"We don't have impartiality," said Noon, whose group is funded by members and corporate sponsors, mostly independent oil and gas producers in New Mexico. "We have a board that's totally biased, or at least a couple members on it — what I like to call Greg Green and his Gang Green."

### **EIB makeup**

Noon also singled out EIB member Gay Dillingham and its newest appointee, James Gollin, named Wednesday to fill one of two vacancies on the board.

Dillingham is the executive director of the Livingry Foundation, a grant-making organization that focuses on environmental issues and sustainable economic development in New Mexico. She is the co-founder of Earthstone International, a maker of high-performance, nontoxic cleaning and sanding projects, according to her résumé.

Gollin is the president of the board for the Rainforest Action Network.

Green, a Democrat who was appointed by Richardson in 2003, shrugged off Noon's Gang Green comment. "Unfortunately in some circles, that is the level of the debate," he said.

He said the EIB is not "a rubber stamp for anybody." He has cited as an example of his impartiality his vote to grant a permit for a biomass plant in Estancia, overturning an Environment Department decision. He said that had he not been on the board, he probably would have been in the audience fighting it.

"The thing to look at is that every word we've ever said on this board is part of the record," Green said. "If people think we have a conflict of interest, or bias, they should point it out, not just say it.

"I think there is a reason why the large industrials and other folks that appear before us all the time haven't raised the issue," he added. "If anybody would know, it would be them ... whether they were treated unfairly, that we had a preconceived notion or that somebody was leaning on us politically. Some of that stuff is fun to believe, but it just doesn't happen for us."

He said the board is a well-balanced group "that listens and acts accordingly."

Dillingham, who is a registered independent, said she was puzzled why she was singled out by Noon.

"I have a diversity of experience as a business person with an environmental science education," Dillingham said. "I come from a ranching and oil/gas family and have also worked in the philanthropic sector the past nine years because I care deeply about this state and its future."

Gollin is a Democrat. The other board members are Abbas Ghassemi, a registered independent, and Neri Holguin and Frank Young Simms, both Democrats.

According to their résumés :

- Ghassemi is director of the Institute for Energy and Environment and chemical engineering professor at New Mexico State University. He has directed a number of research projects ranging from risk perception to environmental discipline and has been a consultant in energy efficiency, pollution prevention, environmental management and waste minimization.
- Holguin is the owner of Holguin Consulting. She has managed a number of political campaigns, including Ray Powell's bid for the state land commission and for a time Richard Romero's campaign for mayor in Albuquerque. She was assistant regional director for the New Mexico Wilderness Society from 2005-2007. Holguin also was a member of the Petroglyph Monument Protection Coalition, which opposed the extension of the Paseo del Norte highway through the monument because of the area's significance to American Indian religious practices.
- Simms is a land manager with 25 years of experience in the commercial ranch business. He is responsible for day-to-day operations of the Jicarilla Apache Nation's Running Elk Corp., operating the lodge and ranch at Chama Land & Cattle Co.

Ghassemi vouched for his colleagues.

"I have to say (Green) always has put his personal interests aside when it comes to issues," he said. "I'm confident the other board members would do the same."

Green said the board has taken no action on the New Energy Economy petition.

"All we have done so far is schedule a hearing on this, which is what we are required to do," he said.

A public comment meeting is planned March 1, with technical hearings slated to start in June.

### Authority questions

The EIB is responsible for setting statewide regulations enforced by the Environment Department concerning environmental and consumer protection, and for hearing appeals on department decisions.

It concluded it had authority to take up the New Energy Economy petition after getting legal advice.

"We did not go into this petition blindly and took time to hear arguments on our statutory authority," Dillingham said. "Our legal counsel from the AG's Office determined we had authority, therefore we are holding a public hearing.

"... For those arguing we don't have authority and want to shut the process down, I personally find, flies in the face of our democratic principles," she said.

Others disagree.

Several lawmakers and a number of utility, business and interest groups filed a lawsuit in state District Court in Lea County challenging the EIB's authority to regulate greenhouse gas emission without first establishing an ambient air quality standard.

Their attorneys plan to file a motion for a preliminary injunction seeking to halt the EIB proceedings until the case is heard on its merits.

One of the plaintiffs is Sen. Carroll Leavell, R-Jal.

"I have a problem with this being done by regulation and not by legislation — as I have a problem with much of the rule making that's come about in the last seven years being done by rule making or regulation and never coming before the elected body of citizens of the state," he said in a telephone interview. "... As far as qualifications or the makeup of the board, I have no real comment on that."

The Greater Albuquerque Chamber of Commerce also opposes the petition, and CEO and president Terri Cole said after looking at the list of EIB members, she is concerned about its lack of business representation.

"There is no doubt that we will work very hard to get our point of view communicated," Cole said. "We have an expectation that the debate will be fair and include the business community."

Green said the board has been demanding regarding the New Energy Economy petition.

"NEE is jumping through hoops we never made anybody jump through," he said. "They're having to get materials in three months in advance, we're allowing industry an entire month to digest their material and then respond, and then another month to have rebuttal. ... We are taking it very, very seriously."

### Impartiality question

Harvey Yates, state Republican Party chairman, said that based on what he was told about Green's background "and the organizations to whom he is responsible, one wonders how he could be impartial."

"The problem in the state of New Mexico is that the progressive movement, part of which these folks are, have driven jobs out of the state," he said.

Richardson has not taken a position on the New Energy Economy petition. "In the absence of a national greenhouse gas cap-and-trade program, the governor is committed to implementing a regional cap-and-trade program through the Western Climate Initiative," his office said in a statement.

His would-be successor and fellow Democrat, Lt. Gov. Diane Denish, supports an ideological balance on all boards and commissions, according to a statement e-mailed to the Journal.

"During these tough economic times, she is not inclined to support any proposal that could put New Mexico at a competitive disadvantage — and that includes a state-level NEE proposal," the statement said.

If elected, the statement said, Denish would ensure all stakeholders "have a seat at the table" and if a potential conflict of interest exists, would expect a board member to abstain or explain where there's no conflict.