

## Freeport McMoRan Must Protect NM Groundwater

In January, the New Mexico Water Quality Control Commission ruled that the state's Environment Department (NMED) had the authority to enforce the state Water Quality Act to protect groundwater at any site it regulates, including mines, dairies, and national laboratories.

Freeport McMoRan Copper and Gold had argued that the groundwater beneath the Tyrone Mine in Grant County was exempt from regulation under the Water Quality Act as long as the company did not allow contamination of off-site groundwater. NMED noted that such an exemption would create a groundwater "sacrifice zone," and the agency maintained its right to protect all aquifers in a state that derives 90 percent of its drinking water from groundwater.

The Commission's decision requires Freeport to protect groundwater and clean up pollution at the site. The case began in 2002 and has traveled through the NMED hearing officer, the Water Quality Control Commission, the Court of Appeals, and back to the Commission.

Visit [www.nmenv.state.nm.us](http://www.nmenv.state.nm.us).

## Fish Concerns Prompt Continued Pumping Restrictions

The U.S. Fish and Wildlife Service issued a biological opinion in December, finding that the continued operation of the federal Central Valley Project and the California State Water Project would jeopardize the existence of the delta smelt and adversely modify its designated critical habitat. These projects deliver water to 25 million Californians and three million acres of agricultural land by diverting water from northern rivers and moving it through the Sacramento-San Joaquin Delta to the southern part of the state.

The opinion contained measures to address the protection of the federally protected species, which the California Department of Water Resources (DWR) said would result in average water delivery cuts of 20 to 30 percent, possibly more under certain conditions. The opinion in effect makes permanent those reductions ordered in December 2007 by a federal court. The *San Francisco Chronicle* reported that the cuts could force mandatory water rationing.

The new ruling comes amidst California's third consecutive year of drought. In late February, Gov. Schwarzenegger declared a state of emergency to address California's water shortage, directing DWR to expedite water transfers, provide technical assistance to agricultural water users, and launch

a state-wide water-conservation campaign, among other things.

DWR Director Lester Snow expressed disappointment with the biological opinion, commenting that many other stressors cause havoc in the delta, including pollutants, invasive species, and climate impacts. Snow, along with the state water contractors and the California Department of Game in separate statements, expressed support for the Bay Delta Conservation Plan, under development by a group of public agencies and environmental organizations. The state water contractors said the plan will "provide a basis for addressing the many threats to the Delta needed for fishery and ecosystem recovery, while finding a way to continue to deliver water to Californians throughout the state."

The Family Farm Alliance filed a legal challenge, stating that the opinion acted on assumptions and prejudices rather than evidence or the best available information. The state water contractors also filed suit against the responsible government agencies.

Meanwhile the Delta Vision Committee, a panel of advisors to the governor, backed a plan to fix the delta that includes a peripheral canal, new dams, and restoring 100,000 acres of habitat. The plan calls for breaking ground on a new canal system in 2011 even without the approval of the California Legislature, reported the *Chronicle*. The Delta Vision plan has been endorsed by the Metropolitan Water District of Southern California, and The Nature Conservancy became the first environmental group to come out in support of a canal, provided a new and independent governing agency is formed.

A biological opinion related to salmon in the delta is expected by June, and may further or differently affect pumping from the delta.

Visit [www.fws.gov](http://www.fws.gov), [www.dwr.water.ca.gov](http://www.dwr.water.ca.gov), [www.swc.org](http://www.swc.org), [www.familyfarmalliance.org](http://www.familyfarmalliance.org), [www.dfg.ca.gov](http://www.dfg.ca.gov), [www.sfgate.com](http://www.sfgate.com), [www.deltavision.ca.gov](http://www.deltavision.ca.gov), [www.nature.org](http://www.nature.org), and [www.mwdh2o.com](http://www.mwdh2o.com).

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## HydroFacts

*The World's Water, 2008-2009* (see page 40) reports on the amount of water required to produce common foods, beverages, and products. (The authors note that these data have significant uncertainties and limitations and are suitable only for simple comparisons.)

Beverages	liters of water	Crops	liters of water	Industrial products	liters of water
glass of water	~1	(per kilogram)		(per kilogram)	
glass of bottled water	3 to 4	potato	500-1,500	nitrogenous fertilizer	120
cup of tea	120	wheat	900-2,000	phosphatic fertilizer	150
cup of coffee	1,120	alfalfa	900-2,000	steel	260
<b>Produced goods (per kilogram)</b>		corn/maize	1,000-1,800	primary aluminum	410
bread	1,300	rice	1,900-5,000	primary copper	440
cheese	5,000	<b>Animal Products (per kilogram)</b>			
hamburger	16,000	eggs	3,300		
		chicken	3,500-5,700		
		lamb/mutton	6,100		
		beef	15,000-70,000		

Source: *The World's Water, 2008-2009*