



For Immediate Release

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NM Supreme Court Refuses to Review State Court of Appeals Ruling that Invalidated Zoning Change for Proposed Santolina Development

Santa Fe, NM – On April 16th, the New Mexico Supreme Court refused to review a ruling by the State Court of Appeals addressing the Santolina development that is proposed for Albuquerque’s West Mesa.

According to New Mexico Environmental Law Center staff attorney Douglas Meiklejohn, the Supreme Court’s ruling means that the decisions by the Court of Appeals concerning Santolina remain in effect.

“The Court of Appeals ruling means that the land in question remains zoned Rural Agricultural and that it cannot be used for a planned community such as Santolina,” said Meiklejohn.

Dr. Virginia Necochea, the Executive Director of the New Mexico Environmental Law Center, which litigated the case before the Board and in the Courts, said, **“This important decision has been years in the making. The community has been battling against the Santolina Development for more than eight years. The decision of the Supreme Court is great news, because it means that our water and communities remain protected from this unneeded**

sprawl development, at least for now. We thank the NMELC attorneys for their commitment to use the power of the law to defend the community's interests."

Critically, the Court of Appeals rulings that remain in effect invalidated the zone map amendment for Santolina that had been approved by the Bernalillo County Board of County Commissioners.

At the request of the Santolina developers, the County Commission had changed the zoning of the land where Santolina would be built from Rural Agricultural to Planned Community, thus enabling the proposed development to proceed.

The Board of County Commissioners' approval of the zone map amendment was challenged by the **SouthWest Organizing Project** and several individuals on the grounds that one of the County Commissioners who voted for the change – Art De La Cruz – was biased and therefore should not have been able to vote on the issue.

The Board of County Commissioners failed to address that objection, and that failure—which denied the challengers due process of law—was the basis on which the Court of Appeals reversed the Board's approval of the zone map amendment.

"The decisions of a biased commissioner such as Art De La Cruz were damaging to the community he served, especially since so many of his constituents spoke up loudly against the development during his time in office," said **Alejandría Lyons, Environmental Justice Organizer with the SouthWest Organizing Project**, and a volunteer with the Contra Santolina Working Group since 2016. "It is reaffirming that the State Supreme Court agreed with our decision as we continue the fight for justice in the South Valley," she continued. "We hope that these decision-making bodies continue to look at these rulings with great scrutiny, especially as we move toward a water-scarce future."

Santiago Maestas, President, South Valley Regional Association of Acequias, said, "I want to thank the New Mexico Environmental Law Center for their representation in upholding our right to due process in a complicated bureaucratic procedure that our county commission has to use to make land and water use decisions that affect our community."

"Today the Middle Rio Grande is 100,000 acre-feet in arrears in legally required water deliveries to Elephant Butte," said **Norm Gaume, former director of the New Mexico Interstate Stream Commission and retired former Albuquerque**

water resources manager. “Our existing water uses are consistently more than our legal share. Climate change will make that worse. These plain truths are at odds with the Water Authority’s expensive plan to supply Santolina with new wells and a new river diversion,” said Gaume.

Clients and community members realize that this might be a temporary celebration and will continue to raise awareness on the various impacts the Santolina Development poses on communities.

The work to defend limited water resources in New Mexico continues.

For more information about the SouthWest Organizing Project, go to www.swop.net. For more information about the New Mexico Environmental Law Center, go to www.nmelc.org.

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